THE UNION & STATE LEGISLATURES IN INDIA

India, a 'Union of States', has a uniform Constitution operating throughout the country. Among other things the Constitution provides for the territorial and functional distribution of power between the Union and its constituting units. Functioning within the broad framework of the Constitution, many of our State Legislatures have, over the years, evolved many practices and rules suiting their needs. However, broadly, their structure, powers, functions, processes and procedures of legislation etc. remain the same.

This volume, divided into three parts, seeks to provide an overview of our Legislatures, from the Union Parliament to the Union Territory Legislatures in as concise a form as possible. It describes the process of their evolution, their physical setting, the officers and the orgahisation of the legislatures, and also discusses briefly the nature of the legislative process, the way business of the House is arranged, and sets out in brief the procedures by which the business is conducted.

This book will be found to be of interest to all those seeking an introduction to India's legislative institutions, their evolution over the years—from pre-independence days to the present—the organisation of the legislative committees and the distinct rules of procedure designed to help the legislatures fulfil their Constitutional mandate.

With its comprehensive coverage about all the legislatures in India, this volume is, perhaps, the first of its kind.

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C.K. JAIN
Secretary-General, Lok Sabha

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अध्यक्ष लोक सभा
SPEAKER LOK SABHA
18 Mar 1993

FOREWORD

At a time, when democracy is spreading as a principle on which to base Government, the system of Parliamentary government commends itself as one with great strength and resilience. In the Parliamentary System, Parliament controls the majority in Parliament that governs. This underlines the supremacy of the institution of Parliament and importance of its related institutions.

Ever since independence, the political life of our nation has been anchored around Parliamentary Democracy. Even in our ancient history, India had witnessed the flowering of democratic values and norms. Many political and socio-religious traditions in this country also further reinforce our commitment to democratic spirit. In fact, attributes like respect to the peoples' rights and response to their voice as an essential obligation to those who are charged with the responsibility to govern permeate the entire Indian ethos.

As the highest forum of Democracy and the supreme body representing the people of the land, the sphere of activity of legislative institutions covers almost every aspect of individual and national life.

The founding Fathers of our Republican polity had provided for an excellent arrangement for the territoral and functional distribution of powers between the Union and its constituting units. The commonalities that bind our nation together today, apart from the cultural, geographical and historical aspects, are some institutional mechanisms too. Our constitution has provided for full-fledged representative law-making bodies at different levels in the country. Today, our state Legislatures, taken together, can be considered one of the strongest lawmaking bodies in the world. Their functions are many and the powers, if properly exercised, are wide. The performance record of these legislatures, ranges widely.

अध्यक्ष लोक सभा
SPEAKER LOK SABHA

This concise and fairly comprehensive volume, providing at one place, a brief history of the evolution of each individual legislature in the country, their time tested conventions, practices, procedures and rules, prepared by the Lok Sabha Secretariat, is a timely addition to the literature on Parliamentary Political Science. I am sure, it will be found to be of interest to all those interested in the intricate details of the functioning of legislative institutions in the country.

(Shivraj V. Patil)

March 1993
New Delhi-110001

PREFACE

Over the centuries, India has witnessed a variety of forms of Government—from tiny village commonwealths to mighty empires. The study of our ancient scriptures reveals an astonishing richness of political thought and practice. Rudiments of non-monarchical and republican types of Government can be traced to our earliest literary sources like the *Rig Veda* and the *Atharva Veda*, the *Puranas* and *Smritis*. Popular assemblies controlling the kings of numerous small states were a prominent feature of the polity.

The emergence of British rule in India brought with it the elements of modern/western parliamentary institutions also to our land. Independence and the resultant advent of democratically elected governments quickened the pace of institutional reforms. Since Independence, Parliamentary democracy has been the mainstay of our polity.

Today, our legislative institutions have become so integral a part of our socio-political life that even their sphere of activities has transcended the traditional role of law-making agencies to become multifunctional organs.

In the early years of our experiments with Parliamentary democracy, we had borrowed liberally from the western, especially British, Parliamentary Practices and Procedures. But today we can legitimately take pride in adapting our institutions to the specificities of the Indian situation and, in the process, developing many unique practices, rules and customs of our own.

Not many may be aware of the manner in which these institutions go about exercising their powers and responsibilities. Today there is a perceptible shift of emphasis in the approaches to the study of politics and political institutions. The focus is shifting from a study of the structure, powers and functions of institutions to their intricate processes and procedures, their setting, the nature of their interaction

with other organs, etc.

It is in the above context that the present volume has its relevance. It seeks to provide an overview of our Legislatures, from the Union Parliament to the Union territory Legislatures in as concise a form as possible. It describes the process of their evolution, their physical setting, the officers and organisation of the legislatures, and also discusses briefly the nature of the legislative process, the way the business of the House is arranged, and sets out in brief the procedure by which the business is conducted. With its comprehensive coverage about all the legislatures in India, this volume is, perhaps, the first of its kind.

Obviously, a work of its kind would not have seen the light of day without the goodwill and co-operation of many individuals and institutions. Hon'ble Speaker, Lok Sabha, Shri Shivraj V. Patil, has been a constant source of encouragement and inspiration in its preparation. We are deeply indebted to him for giving a Foreword to the Volume.

As usual my colleague, Shri G.C. Malhotra, has assisted me a lot, and it is, indeed, due to his own hard work and of his team of officers, viz. Shri M. Rajagopalan Nair and Shri P.J. Antony, that this book could come out in this fashion.

Our thanks are also due to the Secretariats of all the State and Union territory Legislatures for their willing co-operation in our endeavour.

We also acknowledge with gratitude the fact that the publishers of this volume, M/s Allied Publishers Ltd., have done an excellent job in so short a time.

We hope the volume would be of immense help to the academics in understanding the intricacies of legislative functioning, to the students who may be desirous of knowing how our legislative institutions are organised internally, how their rules of procedure help in fulfilling their Constitutional mandate, and the way they evolved to their present form over the years, and would equally be of interest to the general readers seeking an introduction to the present-day legislative institutions.

18 March, 1993
New Delhi 110001

C.K. JAIN
Secretary-General, Lok Sabha

INTRODUCTION

Ever since the dawn of Independence, parliamentary democracy has been the mainstay of our polity. Parliamentary Government means different things to different people. But, it is in essence a government *by* as well as *in* Parliament. The Government is formed on the strength of a majority in the Lower House of the Legislature, but its survival depends on its day-to-day performance on the floor of the House. True, Parliament does not govern. But it controls the majority in Parliament that governs. Parliament, therefore, is the centre-piece and its role is all the more important for the survival of our democracy.

The evolution of Parliament and parliamentary institutions as we know them today had a chequered history. The process of evolution is as momentous as our struggle for freedom. The Charter Act of 1853 may be considered to be a distinct landmark in the constitutional history of India. For the first time, a Legislative Council as distinguished from the Governor-General's Executive Council was established. It consisted of 12 members, namely, the Governor-General, four members of the Executive Council, the Commander-in-Chief, and six special members. The various Indian Councils Acts, such as the Acts of 1861, 1892 and 1909 and the Government of India Acts of 1919 and 1935 brought about a trail of change in the composition and functions of the Union Legislature and the Provincial Legislatures as well. Finally in 1950, the Indian Constitution was framed by the Constituent Assembly.

Our Constitution provides for Legislatures at the Union as well as in each of the twenty-five States and two Union Territories. At the Union level, the Legislature is known as Parliament which consists of the President, the Council of States (Rajya Sabha) and the House of the People (Lok Sabha). The President of India is directly elected by an electoral college consisting of elected members of both the

Houses of Parliament and the elected members of the State Legislative Assemblies. Though the President of the Republic is an integral part of Parliament, he does not sit or participate in the discussion in either of the two Houses. He is the constitutional Head of State and in the discharge of his functions he has to act on the aid and advice of his Council of Ministers which is responsible to Lok Sabha. As a part of his constitutional duties with respect to Parliament, the President summons, prorogues the two Houses from time to time and dissolves Lok Sabha.

Rajya Sabha, the Upper House of Parliament, consists of 250 members, out of which 238 members represent the States, while the other 12 are nominated by the President from amongst persons having special knowledge or practical experience in the fields of literature, science, art and social service. The representatives of each State are elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of single transferable vote. In the Union territories, which do not have Legislative Assemblies, these members are elected by an electoral college specially constituted for the purpose. The States and the Union territories are allotted seats in Rajya Sabha according to their population.

Rajya Sabha was constituted for the first time on 3 April 1952. It is a permanent body not subject to dissolution. But as nearly as possible, one-third of the members retire after every two years and are replaced by newly-elected members. The term of an individual member of Rajya Sabha is six years.

Lok Sabha or the House of the People, comprises the elected representatives of the people on the basis of universal adult suffrage. The maximum strength of the House has been fixed at 552. Out of these, not more than 530 members are directly elected from the territorial constituencies of the States; and not more than 20 are elected from Union territories and not more than two members of the Anglo-Indian community are to be nominated by the President, if in his opinion, that community is not adequately represented in the House. The total elective membership is distributed among the States in such a way that the ratio between the number of seats allotted to

each State and the population of the State is, as far as practicable, the same for all States. Lok Sabha, unless sooner dissolved, continues for five years from the date appointed for its first meeting and the expiration of the period of five years operates as dissolution of the House.

However, when a proclamation of Emergency is in operation, this period may be extended by Parliament by law for a period not exceeding one year at a time and not extending, in any case, beyond a period of six months after proclamation has ceased to operate.

At the State level, the Legislative consists of the Governor and one or two Houses. The Lower House in a State/Union territory is known as the Legislative Assembly (Vidhan Sabha) and the Upper House, the Legislative Council (Vidhan Parishad). At present, the five States having bicameral Legislatures are: Bihar, Jammu and Kashmir, Karnataka, Maharashtra and Uttar Pradesh. The rest of the States and Union territories have unicameral Legislatures.

Legislatures in the States differ strikingly in size. But as per the provisions of the Constitution, a State Legislative Assembly can have not more than 500 and not less than 60 members. However, the exceptions are the Assemblies of Arunachal Pradesh, Goa and Mizoram, each having 40 and Sikkim, having 32 members. The two Union territories—Delhi which has a Metropolitan Council, and Pondicherry—are having 61 and 30 members, respectively. Members of the State Assemblies are chosen by direct election. The Governor can also nominate one or more members from among Anglo-Indians if they are not adequately represented.

The normal tenure of a State Assembly is five years unless dissolved sooner. However, when a proclamation of Emergency is in operation, this can be extended by Parliament for not more than one year at a time and in any case not beyond six months after the cessation of Emergency.

The Legislative Council can be established or abolished in a State by Parliament of India through an ordinary law if the Legislative Assembly of the State concerned passes a resolution to this effect by two-thirds majority of the members present and voting. A State Vidhan Parishad can have members not exceeding one-third of the

total membership of the Vidhan Sabha, but not less than 40. However, Jammu and Kashmir, being an exception, has only 36 members. Elections to the Legislative Council are indirect. One-third of the members are elected by the members of the Assembly, one-third by Municipalities, District Boards and other local authorities, one-twelfth each from University graduates of not less than three years' standing and those engaged for at least three years in teaching in educational institutions within the State, not lower in standard than that of a secondary school. The rest are nominated by the Governor from among those who have distinguished themselves in literature, science, art, cooperative movement and social service. The Legislative Council is a permanent body not subject to dissolution. However, one-third of its members retire every second year and are replaced by newly-elected members.

As regards the relative role of the two Houses, the Lok Sabha and the Legislative Assemblies have supremacy in financial matters. Since the Rajya Sabha and the Vidhan Parishads are not directly elected by the people, they do not possess the same powers in financial matters as the House of the People or the State Assemblies. The Budget is presented to both the Houses, whether at the Union or in the State, but Demands for Grants are not voted by the Council of States and the Legislative Councils. They can only discuss the Budget generally without the right to vote upon it; but they have the right to consider the Appropriation Bill in the same way they can consider a Money Bill. In the case of legislation, the powers of the Council of States and the Legislative Councils are again restricted, as they cannot propose any amendments to the Money Bills as defined in Article 199 of the Constitution. If they do not return the Money Bills within a period of 14 days to Lok Sabha or to Legislative Assemblies, as the case may be, the Bills in question as passed by Lok Sabha and State Assemblies are deemed to have been passed.

Rajya Sabha and the Legislative Councils cannot also entertain any financial measure meaning any Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of Clause 1 of Article 199. At the Union level, there is a provision for joint sitting of both the Houses, when they cannot agree on the Bills or the amend-

ments. Furthermore, the Council of Ministers drawn from both Houses, is collectively responsible to Lok Sabha at the Union, and in the case of States, to the State Legislative Assemblies. An adjournment motion or a motion of no-confidence can only be passed in the Lower House. When Lok Sabha stands dissolved, Presidential proclamations may be placed before Rajya Sabha. On the other hand, the Rajya Sabha has a special role in enabling Parliament to legislate on a State subject if it is necessary to do so in the national interest. Under Article 312, Rajya Sabha can recommend by resolution, supported by not less than two-thirds of members present and voting, the creation of one or more All-India Services common to the Union and the States, and on such recommendation, Parliament may, by law, provide for the creation of such services.

The smooth functioning of the Houses is ensured by the Presiding Officers. In Lok Sabha and the Legislative Assemblies, the Presiding Officers are known as the Speaker and the Deputy Speaker. When the offices of both the Speaker and Deputy Speaker fall vacant, the duties of the office of the Speaker are performed by such member of Lok Sabha or State Legislative Assembly, as the case may be, as the President/Governor may appoint for the purpose. The person so appointed is known as the Speaker *pro tem*. However, there is no provision for a *pro tem* Speaker in the Delhi Metropolitan Council. After his appointment, the Speaker *pro tem* continues in office till the Speaker is chosen and enjoys all the powers of the Speaker under the Constitution. While in all other States, the Speaker *pro tem* is not entitled to the salary and allowances of the Speaker, in the case of Gujarat, he is entitled to these. The Speaker and the Deputy Speaker are elected by the House. The Speaker can continue in his office even after the dissolution till the first meeting of the newly-constituted House after elections. The Vice-President of India is the *ex-officio* Chairman of Rajya Sabha. The Deputy Chairman is elected from amongst its members. In the Legislative Councils of the States, the Chairman and the Deputy Chairman are elected by their members. The Presiding Officers conduct the business of their respective Houses in accordance with the Rules of Procedure and Conduct of Business. The Parliamentary procedure followed in our State Legislatures is

more or less the same as in Parliament.

In order to assess the importance of the parliamentary system, it is pertinent to address ourselves to the questions: What are Legislatures for? What do they do?

The essence of parliamentary democracy is the accountability of the Executive to the people through the Legislature. And there are many devices available to the Legislature to ensure this accountability.

Questions are an important and effective parliamentary device through which matters of urgent public importance can be raised on the floor of the House. There are three types of questions: Starred questions, Unstarred questions and Short Notice questions.

The period of notice for asking a question varies from one State Legislature to another. In the case of Lok Sabha, for questions other than Short Notice questions, the period of notice prescribed is not less than ten and not more than twenty-one clear days. In the Andhra Pradesh Legislative Assembly, members are permitted to give notice of questions throughout the life of the House whether the Assembly is summoned or not. This is a unique system prevailing in the Andhra Pradesh Legislature alone. This system affords an opportunity to members to give notice of questions if they choose to ventilate the grievances of their constituencies.

Half-an-Hour Discussion facilitates a member of the Legislature to give notice for raising a discussion on a matter of sufficient public importance which has been the subject of a recent question, oral or written, and the answer to which needs elucidation on a matter of fact. Such discussion is usually held during the last half-an-hour of the sitting on specified days of the week. These days vary from one State Legislature to the other. For instance, while in the Gujarat Legislative Assembly, Monday and Wednesday are devoted to Half-an-Hour Discussion, in Jammu and Kashmir Legislative Council, Thursday and Saturday are devoted for the purpose. Similarly, the period of notice also varies from State to State.

Since the Council of Ministers is collectively responsible to Lok Sabha or the State Legislative Assemblies, as the case may be, a motion of no-confidence in the Council of Ministers can be moved only

in the Lower House by any member by giving appropriate notice. No-confidence motions cannot be moved either in Rajya Sabha or the Vidhan Parishads. The conditions of admissibility differ from Lok Sabha to the State Legislative Assemblies and even among the State Assemblies themselves. In Lok Sabha, if no less than fifty members support a motion of no-confidence when leave is asked for by rising in their places, leave is deemed to be granted; otherwise leave is deemed to be refused. In the Gujarat Legislative Assembly, when leave is asked for, 17 members should rise in their seats. Then only leave is granted. In the Kerala Legislative Assembly, when leave is asked for, not less than 20 members should rise for leave to be granted. If a motion of no-confidence is passed, the Government has no other option but to resign since it is an obvious proof of its having lost the credentials to govern. This is by far the most potent weapon in the hands of a Legislature to make the Government more responsible for its acts of omission and commission.

The fundamental object of Adjournment Motion is to set aside the normal business of the House and take up for discussion an urgent matter of public importance. A motion for an adjournment of the business of the House can be moved with the consent of the Speaker and the leave of the House. The speciality of these motions lies in the fact that it can only be initiated in the Lower House of the Union Parliament and the Legislative Assemblies of the States and not in Rajya Sabha or the Vidhan Parishads. The conditions of admissibility vary from Lok Sabha to State Assemblies and even among State Assemblies. For instance, in Lok Sabha, not less than 50 members should rise in their places in support, in order to get the leave of the House for the introduction of the Motion, whereas, in the case of the Maharashtra Legislative Assembly, not less than 29 members should rise in their seats in support in order to get the leave of the House. In the Kerala Legislative Assembly, not less than 15 members should rise in their places for the necessary leave to be granted.

After leave of the House to the moving of an adjournment motion has been granted and time fixed for its discussion, the Speaker usually allows the motion to be moved at the appointed time. The time allotted for discussion is two-and-a-half hours in the case of Lok Sabha unless

the debate concludes earlier. At the end of the discussion, the motion "that the House do now adjourn" is put to vote.

If the motion is negatived, the business which was interrupted by the adjournment motion is resumed for some time before the House is adjourned for the day. This is an extraordinary procedural device as it involves an element of censure.

Yet another device available to members to raise discussion on a specific matter of public importance is 'No-Day-Yet-Named Motion.' The notice for a 'No-Day-Yet-Named Motion' is so worded as to record the decision of the House on a subject. After admission of notices by the Speaker, it is selected by the Business Advisory Committee for discussion in the House and thereafter it is included in the List of Business. The mover of the motion has the right to reply in addition to the privilege of initiating the discussion. Some of the State Legislatures like Assam, Maharashtra, etc., do not have this device in their Rules of Procedure.

The notice for a Short Duration Discussion provides an opportunity for discussion of a situation or statement of public importance but its is not put to the vote of the House. In the case of Lok Sabha, after its admission by the Speaker, the motion is selected by the Business Advisory Committee and thereafter it is included in the List of Business. Whereas in case of the 'No-Day-Yet-Named Motion', the mover of the motion has the right to reply in addition to the privilege of initiating the discussion, no such right of reply is available to the member raising a discussion for short duration. The Minister has a right to intervene towards the end of the discussion to clarify the Government's stand. In some of the State Legislatures, for example in the Assam Legislative Assembly, the notice for the Short Duration Discussion is admitted by the Speaker in consultation with the Leader of the House.

Calling Attention Notice is a distinct Indian procedural innovation. This device is available to Members of Parliament as well as State Legislatures. This provision enables a member, with the prior permission of the Speaker, to call the attention of the Government through the concerned Minister to a matter of urgent public importance and request the Minister to explain the Government's views or stand

thereon. The Minister may make a brief statement or ask for time to make a statement at a later hour or date. A Calling Attention Notice may be admitted straightaway by the Speaker in his discretion and the Government have to come forward with a statement. The matter is normally raised after the Question Hour. Although there can be no debate at the time the statement is made, the members concerned may raise points for clarification and elucidation by the Minister. There is no bar also to a notice being given for debate on the matter contained in the statement.

Specific matters are discussed through Private Members' Resolutions which are in the form of substantive motions. In Lok Sabha, the last two-and-a-half hours of the sitting on every alternative Friday during the session are devoted to Private Members' Resolutions. Conditions of admissibility, the number of notices and the day of discussion may vary from State to State. Members securing priority in the ballot get a chance to move such resolutions.

Another Indian procedural innovation is the Special Mentions in Rajya Sabha for raising matters under Rule 377 in the Lok Sabha. As per this device , a member who wishes to bring to the notice of the House any matter which is not a point of order can dc so if he has given a notice thereof in writing to the Secretary-General and the Speaker/Chairman has permitted him to raise such a matter in the House. While making the statement in Lok Sabha, a member has to confine to the text not exceeding 250 words approved by the Speaker in advance.

In the Uttar Pradesh Legislative Assembly, there is a device called the 'Special Mention (Rule 301)' by which any member may bring to the notice of the House a matter of urgent public importance which should not be a point of order. Such notice can be given one hour before the commencement of a sitting or within half-an-hour after the end of the sitting. The Speaker normally allows a maximum of 7 notices to be raised in the House for a sitting. No Minister is bound to reply to these notices in the House but after proper investigations, he sends a reply to the member concerned under his signature within seven days. In the absence of full information, an interim reply may be sent. In any case, full information must be sent within a month.

Similarly in the Maharashtra Legislature, there is a device called 'last week motions' available to members to raise a discussion on matters of sufficient public importance. As per this provision, one day in the last week of the session is set apart by the Speaker for discussion of these motions.Not more than four matters can be taken up on any such day. If more than four notices are received and admitted by the Speaker, a ballot is held to determine which four matters are to be taken. These motions are analogous to the Last Day Motions of the House of Commons. There is no such device available to the members of Lok Sabha.

Devices like these bear an eloquent testimony to the ingenuity of the respective State Legislatures in formulating various mechanisms to suit their specific needs.

President's Address to Parliament or the Governor's Address to the State Legislature contains a review of the activities and achievements of the Government during the previous year and their policy with regard to important internal and current international problems, besides a brief account of the programmes of Government business for the session. The discussion on the Motion of Thanks provides an opportunity to the members of the Opposition to criticise the policies and programmes of the Government. In the case of the UP Legislature, this discussion continues for four days. The Speaker may fix a time-limit for speeches by the members.

Petitions are a powerful device available to the Members of Parliament and State Legislatures to air their grievances. The procedure followed in the Parliament and State Legislatures with regard to the presentation of petitions is the same. Petitions are presented or submitted to the House with the consent of the Presiding Officer on *(i) a Bill which has been published in the Gazette or which has been introduced in the House; (ii) any matter connected with the business pending before the House, and (iii) any matter of general public interest: (a) which do not fall within the cognizance of a Court of Law, (b) which can be raised on a substantive motion or resolution or (c) for which remedy is available under the law and bye-law made by the Union or State Government.*

A petition, dealing with any matter, specified in sub-clauses (a) to

(f) of Clause (1) of Article 199 of the Constitution or involving expenditure from the Consolidated Fund of the State cannot be presented to the House unless recommended by the Governor.

The Committee on Petitions, whose composition differs from State to State, is nominated by the Presiding Officer of the House. This Committee examines petitions on Bills and on matters of general public interest and also entertains representations on matters concerning subjects involving the Union or the State Government's responsibility, as the case may be.

After the aforesaid devices available to the members, the control over both taxation and expenditure constitutes the most potent weapon to ensure accountability of the Executive. In our system, the initiative in regard to spending proposals rests with the Executive. But Legislature can examine and criticise the estimates and has the powers to reduce any demand for grant.

The Annual Financial Statement laid before both the Houses of Parliament embodies the estimated receipts and expenditure of the Government of India in respect of the ensuing financial year. Similar statements are presented to the State Legislatures every year. The estimates of expenditure are split up into what are called "Demands for Grants" which are arranged Ministry-wise. Under each demand the estimates are sub-divided according to the categories of expenditue included in the demand.

In the Union, the Budget is presented in two parts: the General Budget and the Railway Budget. But in the States, only the General Budget is presented. The General Budget is presented to Lok Sabha or the State Legislative Assemblies by the Minister in charge of Finance. The time presentation varies from Union to States.For instance, while it is presented to Lok Sabha at 5 p.m. usually on the last working day in February, there is no such stipulated time fixed for the presentation of Budget in State Assemblies. The procedures for discussion of Budget remain the same both for Union Parliament and State Legislatures. Cut motions,namely the Disapproval of Policy cut, the Economy cut and the Token cut, are some of the important devices through which the Legislatures exercise financial control over the Executive.

By far the most important function of a Legislature in a parliamentary system is that of making laws. All proposals for legislation are initiated in the form of BIlls,which when passed by the two Houses and assented to by the President or Governor, as the case may be, become Acts. A Bill, whether Government's or Private members', has to pass through three stages both in the case of Parliament and the State Legislatures. In financial matters the Private members have no initiative.The constituent power, i.e., the power to amend the Constitution according to Article 368, lives with Parliament. Some provisions of the Constitution can only be amended if they are ratified by at least half of the State Legislatures, after they are passed by both Houses of Parliament by simple and special majority.

The enormous range and complexity of administrative action of a modern government make it imperative that a Legislature should have its own mechanisms and means for adequate legislative surveillance of administration. The Legislative Committee precisely fulfil this task.

A good deal of the Business of Parliament and the State Legislatures is, therefore, transacted in Committees, since the time at the disposal of the House to go into details is always limited. Moreover, it has been found that the atmosphere in the Committees is more suited for in-depth and non-partisan examination of matters away from he glare of publicity.

Both the Parliament and State Legislatures have a similar Committee structure with a few exceptions. For instance, in the Maharashtra Legislature there are additional Committees like: (i) the Committee for Consideration of Matters of Public Importance (ii) the Committee on Welfare of Vimukta Jatis and Nomadic Tribes, (iii) the Committee on Panchayati Raj and (iv) the Committee on Employment Guarantee Scheme. Besides, there are two separate Committees, namely the Committee on Welfare of Scheduled Castes and the Committee on Welfare of Scheduled Tribes in the Maharashtra Legislature whereas in Parliament and other State Legislatures,there is a single Committee for the purpose. In the Gujarat Legislature, the Panchayati Raj Committee is a Financial Committee. Similarly, in the Assam Legislative Assembly, there are

no Committees on Absence of Members and Committee on Private Members' Business.In the U.P. Legislature, there are 31 Standing Committees to advise departmental Ministers about the functioning of each Department. Each one of these consists of 20 members from both the Houses and is headed by the Minister concerned. Similarly, in the Kerala Legislature, a new system of Committees known as "Subject Committees" was introduced in 1980. This system, unique in India, aims at securing effective scrutiny of Executive action by the Legislature.

In the Union Parliament also, the experiment of Standing Subject Committees was started towards the close of the tenure of Eighth Lok Sabha with the setting up of the Committees on Agriculture, Environment and Forests and Science & Technology.

The most important financial Committees which are found both in the Union and State Legislatures are: the Committee on Estimates, the Public Accounts Committee and the Public Undertakings Committee. While the Pondicherry and Nagaland Legislative Assemblies do not have the Committee on Public Undertakings, the Rajasthan Legislative Assembly has two Estimates Committees. There may be variation in terms of structure, composition, and tenure of these Committees from Parliament to State Legislature and even among State Legislatures, but on the whole, these constitute by far the most potent legislative mechanism for effective financial accountability of administration.

In the case of Union Parliament, the Estimates Committee consists of 30 members elected by Lok Sabha. But in the Jammu and Kashmir Legislature, this Committee is constituted of the members drawn from both Houses: the Legislative Assembly and the Legislative Council. In both the cases, the members are elected by the respective Houses according to the principle of proportional representation by means of single transferable vote. But the Rules of Procedure in the Jammu and Kashmir Legislature provide for nomination of the members to Committees by the Presiding Officers in case it is not possible to hold elections of the Committee at the appropriate time.

No Minister can be a member of this Committee in the case of Parliament and many other State Legislatures. But in the Pondicher-

ry Legislative Assembly, the Finance Minister and the Chairmen of the Public Accounts Committee and the Public Undertakings Committee are *ex-officio* members of the Estimates Committee. Even in the Tamil Nadu Legislature, the Finance Minister is the *ex-officio* member of the three financial Committees.

While the term of office of the members of this Committee is one year in Parliament, in the Kerala Legislative Assembly it is two years.

Despite all these differences, the Estimates Committees in the Union and State Legislatures perform the same functions. The Committee examines the estimates of the various Ministers, Departments of Government and suggests any economies, improvements in organisation and efficiency consistent with the policy underlying the estimates. It may suggest alternative policies in order to bring about efficiency and economy in administration. It also examines whether the money is well laid out consistent with the policy implied in the estimates and suggests the form in which the estimates are to be presented to the Legislature.

The Public Accounts Committee of Parliament consists of 22 members from both Houses: 15 elected by Lok Sabha and 7 by Rajya Sabha. Its composition varies from one State Legislature to the other depending on the strength of the Legislature. This Committee examines the expenditure of the Government to see whether the moneys voted by the Legislature were directed y the Government to the intended purposes and spent prudently and economically. It has with it the fully verified data in the Audit Reports of the Comptroller and Auditor-General on various Departments and Ministries of the Government. The assistance of the C.&A.G. greatly facilitates its tasks.

While in the case of Parliament, the tenure of the Committee is one year, in the case of the Assam Legislature it is 30 months.

In the Union Parliament, the Committee on Public Undertakings is composed of 22 members, 15 from Lok Sabha and 7 from Rajya Sabha. No Minister can be a member of this Committee. But in the Tamilnadu Legislature, the Finance Minister is the *ex- officio* member of the Committee. It examines in the context of the autonomy and efficiency of Public Undertakings, whether the affairs of the undertakings are being managed with efficiency so as to achieve their

underlying objective. The task of the Committee in Parliament has been greatly facilitated since 1969 by the setting up of the Audit Board whose reports contain factually verified data on the working of the Undertakings.

In the Gujarat Legislature, the Panchayati Raj Committee is considered a Financial Committee. It examines the Audit Reports of the District and Taluk panchayats prepared by the Examiner, Local Fund Accounts.

Apart from these financial Committees, the other Committees of Parliament are: the Committee on Petitions, the Committee on Privileges, the Committee on Government Assurances, the Business Advisory Committee, the Committee on Subordinate Legislation, the Committee on Papers Laid on the Table, the Committee on Private Members' Bills and Resolutions, the Rules Committee, the Committee on Absence of Members, the Committee on Welfare of Scheduled Castes and Schedule Tribes, the General Purposes Committee, the House Committee, the Joint Committee on Salaries and Allowances of Members of Parliament, the Joint Committee of Offices of Profit, and the Library Committee.

Besides, there are *ad-hoc* Committees constituted from time to time, either by two Houses on a motion adopted in that behalf or by the Speaker/Chairman to enquire into and report on specific subjects, and the Select or Joint Committees on Bills which are appointed to consider and report on particular Bills.

Some of the State Legislatures are having most of these Committees. There are a few exceptions. For instance, the Andhra Pradesh Legislature has a Committee on Backward Classes. The Manipur Legislative Assembly has Hill Areas Committee. Similarly, the Rajasthan Legislative Assembly has Parliamentary Consultative Committees which are a link between the members of the Legislature and the State Government and make available to the members from the State Government such information in regard to policy, programmes, performance, achievements, working expenditure of the concerned department as they may seek, and work as a forum for consultation and exchange of views. The Employment Review Committee, which has been functioning since 1969 in the Assam Legislative Assembly is

an *ad-hoc* Committee.

Legislative privileges refer to certain rights and immunities enjoyed by the members of the Houses and their Committees collectively and the members of each House individually. The object is to safeguard the freedom,the authority and the dignity of the Legislature and to facilitate the members to discharge their duties without hindrance or interference.The privileges include the freedom to initiate debate on any subject and also the freedom of expression in the actual debate itself, the power to discipline its members and the right to exclude the jurisdiction of the courts, prohibit publication of its proceedings without the permission of the Presiding Officers of the Houses, etc. But these privileges, however, do not place the members of the Legislatures above other citizens in the eyes of law nor do they exempt members from obligations which apply to other citizens. The procedure with regard to the raising of the question of privilege in the House remains common to both Union and State Legislatures. The Committee of Privileges examines every question of privilege referred to it, determines with reference to the facts of each case where a breach of privileges is involved, and if so, the nature of the breach,the circumstances leading to it and makes such recommendations as it may deem fit. The Judiciary does not have any say over the decision of the Legislature in regard to the question of privilege.

In view of the unique position of Parliament and State Legislatures in the scheme of our parliamentary government and the manifold functions they have to discharge, a permanent Secretariat independent of an Executive is essential. The Constitution provides for a separate Secretariat for each House in Parliament. Similarly, the State Legislatures are having their own Secretariats.

The Presiding Officers of Lok Sabha and Rajya Sabha are the heads of the respective Secretariats. While the Secretary-General is the administrative head of each of the two Secretariats, the Secretaries are the counterparts in the State Legislature Secretariats. The criteria and method of selection of the Secretary-General/Secretary may differ, but they are permanent officers of the Secretariats concerned to advise the Presiding Officers in matters of all the powers and functions that belong to the Speaker/Chairman, and to the House

through them. In his capacity as the administrative head of the Secretariat, the Secretary-General/Secretary exercises the powers vested in the Speaker/Chairman including the determination of strength, method of recruitment and prescription of qualifications, etc., for the various categories of posts in the Secretariat. He is the appointing, punishing and appellate authority for certain classes of officers. The rules of conduct of discipline and control over the officers and staff of the Secretariat are enforced by him.

The parliamentary system prevalent both in the Union and the States is thus an epitome of the sagacity and wisdom of our founding fathers. This system has, over the years, evolved itself to suit the genius of our country. The various procedural devices like the Calling Attention Notice, Special Mentions, etc., which have an indigenous growth, testify to the resilience of the system. The coexistence of tribal democracy along with parliamentary institutions in Meghalaya speaks of the native efforts to make our system more adoptive. The parliamentary system has been highly successful in keeping our federating units united.

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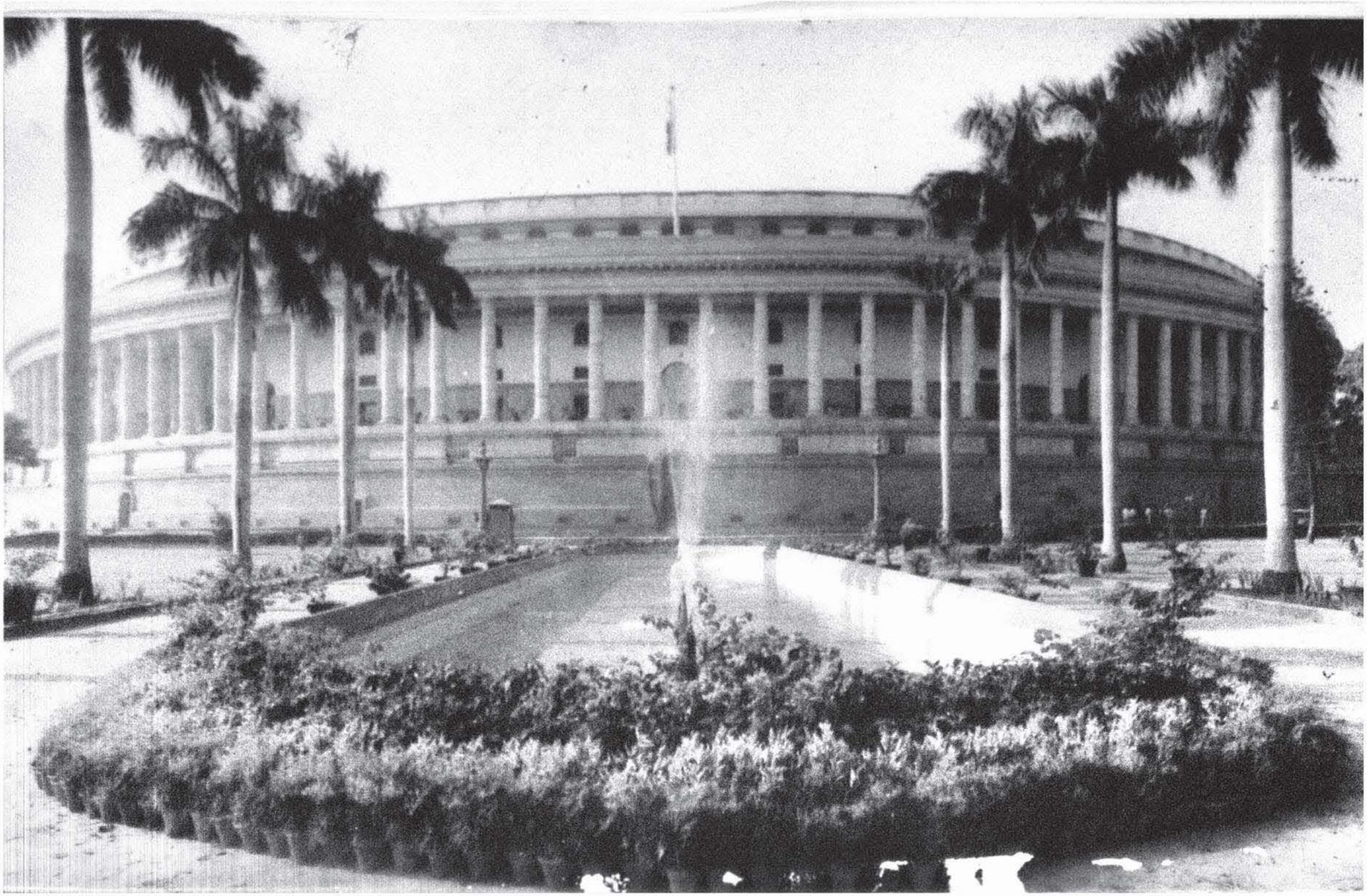
Part I
The Union Legislature



THE PARLIAMENT OF INDIA

ORIGIN AND GROWTH

Representative deliberative bodies are not entirely new to our country. They are known to have existed in ancient India. In fact, the history dates back to the Vedic period (*circa* 3000-1000 BC) when popular assemblies and elective monarchies were in vogue. Also, for nearly sixteen centuries (*circa* 1000 BC to 600 AD), republican form of government flourished in various parts of the country. Popular assemblies like the *Samiti* and the *Sabha*, the former an assembly of people's representatives and the latter, a smaller selected body of elders, functioned more or less as a Legislature for disposing of public business through consultation, discussion and debate. Democracy at the grassroots thrived in the form of *Panchayats* and *Gram Sabhas*. The popular assemblies and the Republics later disappeared but *Gram Sabhas* and *Panchayats* as the institutions of local self-government at the village level survived and continued to flourish right through the ancient and medieval periods and till the advent of the British rule or even thereafter in one form or another.

Thus, while representative institutions and democratic traditions had deep roots in the country's past, the democratic ethos and temper of the Indian civilisation and the people greatly facilitated the adoption of the modern parliamentary system through a gradual process spread over the last hundred years or so. The fact remains that parliamentary government and legislative institutions with all their modern ramifications, formal trappings and operational mechanics and processes owe their origin and growth to India's British connection. It would, however, be wrong to deduce therefrom that the British institutions as we know them today had an organic growth on the Indian soil. In fact, the demand for parliamentary institutions preceded by several decades the demand for the country's inde-

← Parliament House, New Delhi.

pendence or even responsible self-government.

Until 1853 there was no legislative body distinct from the Executive. The Charter Act of 1853 for the first time provided for some sort of a separate 'Legislature' in the form of a 12-member Legislative Council which included the Governor-General, four members of his Executive Council, the Chief Justice and another judge of the Supreme Court and others.

The Indian Councils Act, 1861 marked a significant step forward inasmuch as hereafter the Council of the Governor-General for purposes of legislation was to consist of six to twelve additional members nominated by the Governor-General for two years. At least half of them were to be non-officials. Sometimes, described as the "prime Charter of the Indian Legislature" inaugurating the "system of legislative devolution in India", the Act of 1861 was followed by the Indian Councils Acts of 1892 and 1909. The 1892 Act for the first time provided for the filling up of some seats on the Legislative Council through election. Of the five "additional" members, four were to be recommended by the non-official members, of each of the four Provincial Councils and the fifth by the Calcutta Chamber of Commerce. This, however, involved no real process of popular election. Also, the functions of the Legislative Council were not substantially enlarged except in the matter of asking questions and discussing certain financial matters.

The Act of 1909 which was in implementation of the Morley-Minto Reforms enlarged the Legislative Council and introduced the principle of election and representation. Official majority on the Council continued and the control of the Executive over the Legislature was retained so much so that it was the legislature functioning under the 1909 Act that in 1919 passed the infamous Rowlatt Act.[1]

The Government of India Act of 1919 which gave effect to the Montague-Chelmsford Reforms, established a bicameral legislature at the Centre for the first time and introduced some elements of responsible form of government in the provinces. The India Legisla-

1 The reactions of the stalwarts of our freedom struggle to this Black Act is too well known to be recounted.

ture was to consist of the Governor-General and the two Houses—the Council of State and the Legislative Assembly. The Upper House, named Council of State, was to have a maximum of 60 members. Of these, a not less than half were to be elected and not more than one-third could be officials. The Lower House, named the Legislative Assembly, was to have a strength of 144 of whom at least five-sevenths were to be elected and at least one-third of the remaining (nominated) were to be non-officials. Thus, there was a majority of elected members in both Houses. Each of the two Houses was to be presided over by a President. The first Legislative Assembly constituted under the 1919 Act came into being at the Centre in 1921. Sir Frederick Whyte, a member of the British House of Commons was appointed by the Governor-General as the first President of the Assembly for a period of four years. Subsequent Presidents were to be elected by the Assembly from among its members. At the conclusion of the term of Speaker Whyte, the first non-official and the first Indian President (Speaker) Shri Vithalbhai Patel was elected on 22 August 1925.

A great patriot and nationalist to the core, President Patel was a man with a vision and keen political acumen. Even though the Legislative Assembly over which he presided worked under severe limitations, he tried to develop healthy parliamentary traditions and secure the maximum possible functional independence for the institution of the Legislature. The controversial Public Safety Bill was defeated on the floor of the House by President Patel's casting vote on 24 September 1928. In March 1929 when the motion for the consideration of the second Public Safety Bill was brought forward by the Government, President Patel ruled it out of order as the subject matter of the Bill was *sub judice*. This ruling caused a serious conflict with the Governor-General but in the end President Patel's stand in regard to the independence and dignity of the House and the authority of the Chair was vindicated and the principle was by and large accepted that the House is the master of its procedure and that the Rrules of the Assembly cannot be changed without consulting it.

During the debate on the second Public Safety Bill, two bombs were thrown from the Visitors' Gallery into the Assembly Chamber. Sardar Bhagat Singh wanted to awaken the Government and the people. But,

the bomb incident also raised the issue of the authority and control of the Chair over the precincts of the Assembly. President Patel ordered that Galleries be closed till such time as a settlement was reached. Under the final arrangement a separate Watch & Ward organisation under the control of the President of the Assembly was created and the principle established that all security arrangements in the precincts of the House are under the overall control of the Speaker (President). Also, it was during this period and as a result of the long and incessant efforts and struggle that the principle of independence of the Legislature Secretariat was established and following the adoption of a resolution moved by Pandit Motilal Nehru on 22 September 1928, a separate Legislative Assembly Department was finally set up on 10 January 1929. Earlier, all through 1921-1928, the administrative and secretarial work of both the Houses had been carried on by the Legislative Department of the Government.

Even after the enactment of the Government of India Act, 1935, the Constitution of the Central Government in India by and large remained what it was under the Act of 1919, since the federal part of the 1935 Constitution never came into operation; only some modifications in practice and procedure, as necessitated by the introduction of 'autonomy' in the Provinces were made.

As Jawaharlal Nehru put it, the Central Legislature of pre-independence days served as a training ground for parliamentary democracy in India and familiarised Indian Legislators with many elements of modern parliamentary procedure. Many of the eminent national leaders who entered the old legislature either as nominated members or later as people's representatives made full use of the forum—despite the severe limitations placed by the British—to ventilate people's grievances and to raise the banner of freedom. At times, various events that took place in the country found their echo in the legislature, while at other times the statements made in the legislature triggered off countrywide upsurge against colonial rule. In course of time, the national leaders were able to turn the legislature itself into one of the fora of freedom struggle.

In accordance with the scheme announced by the Viceroy on 3 June 1947, the country was divided into two independent dominions—India

and Pakistan. The Indian Independence Act, 1947, passed by the British Parliament, declared the Constituent Assembly of India to be a fully sovereign body, and on the midnight of 14-15 August 1947, the Assembly assumed full powers for the governance of the country. Apart from being a Constitution-making body, it was to function as the Dominion Legislature as well. In 1948 the functions of legislature were entrusted to "Constituent Assembly (Legislative)" which met as a separate body presided over by a Speaker.

With the coming into force of the republican Constitution of Independent India on 26 January 1950, a full-fledged parliamentary system of government with a modern institutional framework and all its other concomitants was established. The Constituent Assembly became the Provisional Parliament of India and functioned as such until the first General Election based on adult franchise was held in 1952 and Parliament was constituted under the provisions of the new Constitution.

Over the years, Parliament has, in fact, carved out for itself a unique place in the esteem and affection of the people as the forum through which they articulate and realise their aspirations and ventilate their grievances and seek solutions to their problems. As the supreme representative body of the people—mirroring as it does all constitutionally organised shades of public opinion at the national level—Parliament has become the "grand inquest of the nation" and the greatest national integrational force and come to occupy a pre-eminent and pivotal position in Indian polity.

STRUCTURE OF PARLIAMENT

The Constitution provides for a bicameral Parliament consisting of the President and the two Houses known as the Council of States and the House of the People. The terms, Rajya Sabha and Lok Sabha, which were the Hindi equivalents for the Council of States and the House of the People were formally adopted in the year 1954 as the general nomenclature for the two Houses.

The President: The President of the Republic is directly elected by an

electoral college consisting of the elected members of both Houses of Parliament and the elected members of the Legislative Assemblies (popular Houses) of the States. Though the President of India is a constituent part of Parliament, he does not sit or participate in the discussions in either of the two Houses. The President is the constitutional head of the State and in the discharge of all his functions he has to act on the aid and advice of his Council of Ministers which is responsible to Lok Sabha. As part of his constitutional functions with respect to Parliament, the President summons the two Houses of Parliament to meet from time to time. He can prorogue the two Houses of Parliament and dissolve the Lok Sabha. His assent is essential for a Bill passed by both Houses to become a law. Not only that, when both the Houses of Parliament are not in session and he is satisfied that circumstances exist which render it necessary for him to take immediate action, the President can promulgate Ordinances having the same force and effect as a law passed by Parliament.

At the commencement of the first session after each General Election to Lok Sabha and at the commencement of the first session of each year, the President addresses both Houses of Parliament assembled together and informs Parliament of the causes of its summons. Besides, he may address either House of Parliament or both Houses assembled together and for that purpose require the attendance of members. He is also empowered to send messages to either House, whether with respect to a Bill then pending in Parliament or otherwise, and a House to which any message is so sent has to, with all convenient despatch, consider any matter required to be considered by the message. Bills belonging to certain categories can be introduced and proceeded with only after the recommendation of the President has been obtained.

There are certain other functions which the President is required to perform under the Constitution in relation to Parliament. He appoints the Speaker-*protem* of Lok Sabha and an acting Chairman of Rajya Sabha, as and when the need arises. He summons the joint sitting of both Houses in case of disagreement between them on a Bill. The President causes to be laid, every year, before Parliament, the Budget of the Government, referred to in the Constitution as the

"annual financial statement", and certain other reports of constitutional functionaries like the Comptroller and Auditor-General of India, Finance Commission, Union Public Service Commission, Special Officer for Scheduled Castes and Scheduled Tribes and Backward Classes Commission. He may nominate not more than two members of the Anglo-Indian Community to Lok Sabha, if he is of the opinion that the community is not adequately represented in the House. The President also nominates 12 members to the Rajya Sabha from amongst persons having special knowledge or practical experience in respect of such matters as literature, science, art and social service. Besides, he is empowered to decide, after obtaining the opinion of the Election Commission, whether any member duly elected, attracts the disqualifications laid down in article 108 of the Constitution. His decision, in this matter is final.

Rajya Sabha: Rajya Sabha consists of not more than 250 members. Of these, 12 are nominated by the President for their special knowledge or practical experience in such matters as art, literature, science and social service. The remaining seats are allocated to the various States and Union Territories, roughly in proportion to their population; each State is, however, represented by at least one member. The representatives of each State are elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote. The Rajya Sabha at present consists of 245 members.

Rajya Sabha was constituted for the first time on 3 April, 1952. It is a permanent body not subject to dissolution, but one-third of its members retire every second year by rotation and are replaced by newly elected members. The term of an individual member of Rajya Sabha is six years.

Lok Sabha: Lok Sabha is composed of representatives of the people chosen by direct election on the basis of adult suffrage. The maximum strength of the House envisaged by the Constitution is now 552—up to 530 members to represent the States, up to 20 members to represent the Union Territories and not more than two members of the Anglo-

Indian Community to be nominated by the President if in his opinion that community is not adequately represented in the House. At present Lok Sabha consists of 545 members. The total elective membership is distributed among the States in such a way that the ratio between the number of seats allotted to each State and the population of the State is, as far as practicable, the same for all States.

Lok Sabha, unless sooner dissolved, continues for five years from the date appointed for its first meeting and the expiration of the period of five years operates as dissolution of the House. However, while a Proclamation of Emergency is in operation, this period may be extended by Parliament by law for a period not exceeding one year at a time and not extending, in any case, beyond a period of six months after the Proclamation has ceased to operate. Table 1 shows the Lok Sabhas constituted so far and their tenures.

Table 1: Tenures of Lok Sabhas

S. No.	Lok Sabha	Tenure	
		From	To
1.	First	17.4.1952	4.4.1957
2.	Second	5.4.1957	13.3.1962
3.	Third	2.4.1962	3.3.1967
4.	Fourth	4.3.1967	27.12.1970
5.	Fifth	15.3.1971	18.1.1977
6.	Sixth	23.3.1977	22.8.1979
7.	Seventh	10.1.1980	31.12.1984
8.	Eighth	31.12.1984	27.11.1989
9.	Ninth	2.12.1989	13.3.1991
10.	Tenth	20.6.1991	till date

FUNCTIONS OF PARLIAMENT

As in other parliamentary democracies, the Parliament of India has the cardinal functions of legislation, overseeing of Administration, passing of Budget, ventilation of public grievances, discussing various subjects like development plans and international relations and

policies like industrial policy, education policy, etc.

The scheme of distribution of powers between the Union and the States, followed in the Constitution emphasises in many ways the *general predominance of Parliament in the legislative field.* Apart from the wide range of subjects allotted to it in the Seventh Schedule of the Constitution, even in normal times Parliament can, under certain circumstances, assume legislative power over a subject falling within the sphere exclusively reserved for the States. In times of grave emergency when the security of India or any part thereof is threatened by war or external aggression or armed rebellion, and a Proclamation of Emergency is made by the President, Parliament acquires the power to make laws for the whole or any part of the territory of India, with respect to any of the matters enumerated in the State List. Similarly, in the event of the failure of constitutional machinery in a State, the powers of the legislature of that State become exercisable by or under the authority of Parliament. Besides the power to legislate on a very wide field, the Constitution vests in the Parliament the power to initiate amendment of the Constitution.

Under the Constitution, the Council of Ministers is collectively responsible to Lok Sabha. If the Council of Ministers loses the confidence of Lok Sabha, it is obliged to resign. One of the effective methods by which Parliament exercises check over the Executive is through its control over finance. This financial power in the hands of Parliament helps in securing Executive answerability. Besides, the procedures of Parliament afford ample opportunities for the enforcement of ministerial responsibility, or assessing and influencing governmental policies, as well as for ventilating public grievances. The procedures of Calling Attention, Short Duration Discussions, Questions, with possibilities of supplementaries, and, in case of answers to questions needing elucidation on a matter of fact, of Half-an-hour Discussions, etc., enable information to be elicited and attention focussed on various aspects of governmental activities.

The more significant occasions for review of administration are provided by the discussions on the Motion of Thanks on the President's Address and the Budget including Demands for Grants from various Ministries and Departments and the proposals to raise funds to meet

the expenditure. These apart, specific matters may be discussed through motions on matters of urgent public importance, Private Members' Resolutions and other substantive motions. In extreme cases, the Government can be censured or a motion of no-confidence moved against the Government. Along with these, a close and continuous check on governmental activities is exercised through a comprehensive system of parliamentary committees.

Relative Role of the Two Houses: As between the two Houses, Lok Sabha has supremacy in financial matters. It is also the House to which the Council of Ministers drawn from both Houses, is collectively responsible. As such, an adjournment motion or a motion of no confidence can be passed only in Lok Sabha. On the other hand, the Rajya Sabha has a special role in enabling Parliament to legislate on a State subject if it adopts a resolution by special majority that it is necessary to do so in the national interest. It has a similar power in regard to the creation of All India Services common to the Union and the States. Also, unlike Lok Sabha, Rajya Sabha is not subject to dissolution. It is a continuing House. In other respects, the Constitution proceeds on a theory of equality of status of the two Houses. Disagreement between the two Houses on amendments to a Bill is resolved by both the Houses meeting in a joint sitting where questions are decided by majority vote.

ELECTIONS, PARTIES AND MEMBERS

Parties in Parliament: A number of political parties took part in the first General Election held in early 1952. The most important of these were the Congress, the Communist Party, the Socialist Party, Kisan Majdoor Praja Party and Jan Sangh. Later, numerous other parties were formed. So far, as many as nineteen General Elections to Lok Sabha have been held. Some of the earlier parties have since split, merged or changed their names; while others have disappeared altogether. The strength of different political parties that secured representation in Lok Sabha after each General Election since 1952 is given in Table 2.

Table 2: Party Strength in Successive Lok Sabhas

(At the first sitting of the House after General Elections held in 1952, 1957, 1962, 1967, 1971, 1977, 1980, 1984, 1989 and 1991)

Years	No. of directly elected seats (total)	Congress	Janata	CPI-M	CPI	Jan Sangh	DMK	Telugu Desam	Others
1952	489	366	–	–	27	3	–	–	93
1957	484*	365	–	–	27	4	–	–	98
1962	494*	364	–	–	34	14	7	–	68
1967	520*	283	–	19	24	31	24	–	139
1971	518**	350 16 (Cong.O)	–	25	23	22	23	–	45
1977	541*	153	306	22	7	–	19 (AIADMK)	–	32
1980	542**	351	41 (Janata-S)++ 31 (Janata including BJP)	35	11	–	16 (DMK)	–	39
1984	544	400	–	22	6	–	12 (AIADMK)	30	60

(Continued)

Table 2: *(Continued)*

Years	No. of directly elected seats (total)	Congress	Janata	CPI-M	CPI	Jan Sangh	DMK	Telugu Desam	Others
1989	543	196	137 (Janata Dal)	32	12	86 (BJP)	11 (AIADMK)	2	34 (Other parties) 12 (Independents)
1991	539**	245	59 (Janata Dal—Both the Groups together)	35	14	119 (BJP)	11 (AIADMK)	51 (Other Parties)	

* Some seats were vacant

** Election for all seats could not be held. After election for the State of Punjab also, held in 1992

Source: M.N. Kaul and S.L. Shakdher, Practice and Procedure of Parliament (with particular reference to Lok Sabha), 1986, New Delhi; p.287.

The Journal of Parliamentary Information, March 1980, March 1985 and September 1992.

"Democracy on proper lines", remarked Speaker Mavalankar, "will never grow unless there are the fewest number of parties, possibly not more than two major parties, which can almost balance each other as the Government and the Opposition". With a view to discouraging multiplication of parties and growth of splinter groups, he laid down general principles on which recognition could be given to political parties for their parliamentary work in Lok Sabha. Thus, under Directions by the Speker, Lok Sabha, the following conditions for recognition of parliamentary party or group were laid down:

121. In recognising a Parliamentary Party or Group the Speaker shall take into consideration the following principles:

(i) An association of members who propose to form a Parliamentary Party—

  (a) shall have announced at the time of the General Elections a distinct ideology and programme of Parliamentary work on which they have been returned to the House;

  (b) shall have an organisation both inside and outside the House; and

  (c) shall have at least a strength equal to the quorum fixed to constitute a sitting of the House, that is, one-tenth of the total number of members of the House.

(ii) An association of members to form a Parliamentary Group shall satisfy the conditions specified in parts (a) and (b) of Clause (i) and shall have at least a strength of 30 members.

Recognition of an association of members as a Parliamentary Party or Group, for the purpose of functioning in the House, is accorded by the Speaker and his decision in the matter is final. If any question arisen as to whether a member of a House has become subject to disqualification under the Constitution (Fifty-Second Amendment) Bill, 1985, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final. Provided that where the question which has arisen is as to whether the Chairman or the Speaker of a House has become subject to such disqualification, the question shall be referred

for the decision of such member of the House as the House may elect in this behalf and his decision shall be final.

Party Whips: The parties inside the legislature have elaborate organisations of party members and officials. Each party has its Whips, one of whom acts as the Chief Whip. The Chief Whip of the party i power is a member of the Government and is called Minister of Parliamentary Affairs. Other Government Whips may be Ministers of State, Deputy Ministers or Parliamentary Secretaries.

The main function of the Whips originally was to 'shepherd' party members to support the Government or the Opposition, as the case may be, when voting was demanded. Their functions have since become more multifarious and onerous. The notices which are sent out to party members by the Whip informing them about important debates and votes in which they should be present are also known as 'Whips'. The importance of debates is indicated by lines (one, two or three) with which a whip is underscored, and it is assumed that a member receiving a Whip will support the policy of the party.

Leader of the Opposition: As defined by the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977, 'Leader of the Opposition' means that member of the Rajya Sabha or Lok Sabha, who is, for the time being, the Leader in that House of the party in oposition to the Government having the greatest numerical strength and recognised as such by Chairman of the Rajya Sabha or the Speaker of the Lok Sabha.

The Leader of the Opposition in the Lok Sabha/Rajya Sabha is accorded statutor recognition and given, besides salary, certain other facilities and amenities under the Salary and Allowances of Leaders of Opposition in Parliament, 1977.

Consequent on the split in the Congress party in 1969, a new party known as Congress Party (Opposition) was formed with a strength of 60 members and its leader, Dr. Ram Subhag Singh was recognised for the first time, as the Leader of the Opposition. After the general elections held in 1977, the new Janata Party with 306 seats in the House, emerged as the ruling party and the erstwhile ruling Congress Party with 153 seats as the Opposition Party. Since both the Janata

and the Congress Parties satisfied all the conditions for recognition as Parliamentary Parties, they were recognised as such.

Shri Y.B. Chavan was recognised as the Leader of the Opposition who remained as such up to 12 April 1978 when Shri C.M. Stephen was recognised as the Leader of the Opposition. Shri Y.B. Chavan, however, again became the Leader of the Opposition on 10 July 1979. No group of members fulfilled the requisite conditions for recognition as a Parliamentary Group in the Sixth Lok Sabha. There was no Leader of the Opposition in the Seventh Lok Sabha as no group in the Opposition was accorded the requisite recognition as a party. Similarly in the Eighth Lok Sabha also, only Congress(I) has been recognised as a Parliamentary Party and Telugu Desam as a Parliamentary Group.

But the Ninth Lok Sabha had the unique distinction of having the single largest party—the Congress (I) with 196 members—being officially recognised as the Opposition. The Opposition Party was led by the former Prime Minister, Mr. Rajiv Gandhi, who as the Leader of the Opposition in Lok Sabha enjoyed the status of a Cabinet Minister. In the Tenth Lok Sabha Bharatiya Janata Party Leader Shri L.K. Advani with the backing of 119 members is recognised as the Leader of the Opposition and as such enjoys the status of a Cabinet Minister.

Qualifications for Membership: The qualifications and disqualifications for membership of Parliament are laid down in the Constitution and also in the Representation of the PeopleAct, 1951. In order to be eligible for nomination to Parliament, a person must be:

(i) a citizen of India,

(ii) registered as a voter

  (a) in any parliamentary constituency in any State in India, in the case of the House of the People, and

  (b) in any parliamentary constituency in the State from which election is sought, in the case of the Council of States,

(iii) not less than

  (a) twenty-five years of age, in the case of the House of the People

(b) thirty years of age, in the case of the Council of States.

A person is disqualified for being chosen as, and for being, a member of either House of Parliament—

(a) if he holds any office of profit under the Government of India or the Government of any State other than an office declared by Parliament by law not to disqualify its holder;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if he is an undischarged insolvent;

(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;

(e) if he is so disqualified by or under any law made by Parliament.

Oath/affirmation: The first duty of every member elected or nominated to the Legislature is to make and subscribe an oath or affirmation according to the form set out for the purpose in the Third Schedule to the Constitution which is as follows:

> I . . . having been elected/nominated a member of . . . do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, and that I will faithfully discharge the duty upon which I am about to enter.

The oath/affirmation may be made and subscribed before the President, or some person appointed in that behalf by him. In the Rajya Sabha, the Chairman can administer the oath/affirmation to any newly elected/nominated member.

Salary and Other Facilitis: A member of Parliament is entitled to receive a salary of Rs. 1500/- per mensem during the whole of his term of office and an allowance of Rs. 150/- for each day during any period of residence on duty (i.e., while attending sessions of the House, sittings of committees, or any other business connected with his duties as a member). A member is also entitled to receive a constituency

allowance of Rs. 3000/- per mensem. Each member is also paid in respect of evry journey performed by him in India for the purpose of attending a session of a House of Parliament or a meeting of a Committee or for the purpose of attending to any other business connected with his duties as a member, from his usual place of residence to the place where session of the meeting is to be held or the other business is to be transacted and for the return journey from such place to his usual place of residence. Every member shall also be provided with one free non- transferable 'air-conditioned two-tier' pass which shall entitle him to travel at any time by any railway in India. Every Member has also been given the facility of 28 single air journeys in a year without any limitation as to timing of its usage whether it be during or between sessions of Parliament. Besides, a member is also entitled to the following facilities:

(a) *Housing Facilities:* Adequate number of residential units of different types have been provided in New Delhi for accommodating all the members of Parliament. No licence fee is payable if the accommodation is a flat but for bungalows full licence fee has to be paid. Electricity and water charges up to Rs. 300/- per month for the accommodation so allotted are free. This allowance is available for those staying in private apartments also.

(b) *Telephone Facilities:* A member is entitled to have two free telephones, one at his residence or office in Delhi and the other at his usual place of residence or a place selected by him in the constituency or the State in which he resides.

Twenty-five thousand local calls during a year are free to a member on each of the two telephones or—(a) where metering facility in respect of the telephone installed at the place outside Delhi/New Delhi is available the local calls admissible at the two telephones will be pooled and the member is entitled to make 50,000 local calls free from the two telephones during a year; (b) where metering facility is not available outside Delhi/New Delhi, a member is entitled to make free 12,500 calls in addition to 25,000 local calls admissible to him at Delhi/New Delhi during a year; (c) if a member does not have a telephone outside Delhi/New Delhi, he is entitled to make free 50,000 local calls, during a year from the telephone installed at Delhi/New

Delhi; and (d) the trunk call bills of the members may be adjusted within the monetary equivalent of the ceiling of fifty thousand local calls per annum.

(d) *Stenographic and Typing Facility:* is available to members for their parliamentary work inside Parliament House in a room adjoining the outer lobby and another room on the Attic storey (third floor).

(e) *Research, Reference and Library Facilities:* Library, Reference, Research, Documentation and Information Services (LARRDIS) are designed to keep members well-informed on various legislative proposals and other matters of parliamentary interest. Also, the LARRDIS endeavour to keep members abreast of day-to-day developments in India and abroad. It provides reference materials on all matters coming up before the two Houses.

Parliament Library is well equipped and its services are available to all members.

(f) *Office Premises:* Office accommodation in Parliament House Complex is made available to recognised political parties and groups in Parliament. This facility is not, however, available to individual members.

(g) *Postal and Stationery Facilities:* Post Offices in Parliament House and Parliament House Annexe buildings cater to the postal requirements of members. In Parliament House Post Office facilities like sending of telegrams, metered S.T.D. calls, etc., are also available.

D.O. stationery, Greeting Cards for festive occasions like New Year's Day, Diwali and Id, are got printed and sold to members at cost price.

(h) *Food and Beverages:* There are Refreshment Rooms for members in both Parliament House and its Annexe and a Snack Bar, Coffee Buffet, Tea Buffet and Milk Booth in Parliament House where members can have quality meals, refreshments, snacks, etc., at economical rates.

Other facilities available to members include transport, advance for the purchase of conveyance, foreign exchange quota, income-tax reliefs, banking facilities inside Parliament House and Parliament House Annexe, Railway and Air reservations, Rationing sub-office, Super Bazar and LPG service counter of the Indian Oil.

Pensionary benefits are available to ex-members. As per the latest law (w.e.f. 26 December 1985) pensionary benefit of Rs. 500/- p.m. for service for a period of five years (whether continuous or not) *plus* Rs. 50/- for every additional year of service is available. Those ex-MPs whose service falls short of five years by not more than sixty days are also entitled to a pension @Rs. 500/- p.m.

Resignation: A member of either House of Parliament ceases to be a member of that House and his seat becomes vacant if he resigns his seat and his resignation is accepted by the Chairman or the Speaker, as the case may be.

Absence from House: The Constitution [Article 101(4) and proviso thereto] provides that if for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, his seat may be declared vacant by the House. In computing the said period of sixty days no account is taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

The procedure for asking for leave of absence is laid down in the Rules of Procedure of the two Houses. In Lok Sabha, a member desiring permission of the House to remain absent from the sittings thereof is required to make an application in writing to the Speaker specifying therein the period for which leave of absence is required together with the date of commencement and of termination of such leave and the grounds for it. Applications for leave of absence may be addressed to the Speaker, the Secretary-General, or the Chairman of the Committee on Absence of Members. If any application is addressed to a person or body other than these, the member concerned is advised to send a fresh application.

The Committee on Absence of Members: To deal with applications from members for leave of absence and other cognate matters, Lok Sabha has constituted a committee called the Committee on Absence of Members from the Sittings of the House. The Committee consists of fifteen members nominated by the Speaker, and holds office for a term not exceeding one year. The Committee is constituted at the

commencement of each Lok Sabha and reconstituted in the month of May or June every year.

The Committee considers all applications from members for leave of absence from the sittings of the House and examines every case where a member has been absent from the sittings of the House for a period of sixty days or more, without permission. It reports whether the absence should be condoned or circumstances of the case justify that the House should declare the seat of the member vacant.

Besides, the Committee performs such other functions in respect of attendance of members in the House as may be assigned to it by the Speaker from time to time. In Lok Sabha the present practice is that it is the Committee on Absence of Members which first reports that the House should declare the seat of the member in question vacant. On 5 December 1956, the following motion to declare the seat of Shri Sibnarayan Singh Mahapatra, Member of Lok Sabha, was moved in the House:

> In pursuance of Clause 4 of Article 101 of the Constitution of India, the seat of Shri Sibnarayan Singh Mahapatra, Member of Lok Sabha who has been absent from all meetings of the House for a period of more than 60 days is hereby declared vacant.

The motion was adopted.

There is no corresponding Committee in Rajya Sabha where cases of absence of members are reported to the House and the permission is accorded by the House itself.

Expulsion: The term 'expulsion' has not been defined either in the Constitution, Rules of Procedure and Conduct of Business in Lok Sabha or any law relating to elections. Nevertheless, there have been cases which clearly indicate that in the case of its own members, the House can express its displeasure in the shape of suspension from the service of the House or expulsion for breach of privilege or for its contempt or for indulging in conduct unbecoming of a Member of Parliament.

On 8 June 1951, a motion for appointment of a Committee to investigate the conduct and activities of a member of Lok Sabha (H.G.

Mudgal) was adopted.

The Committee held that the conduct of the member was derogatory to the dignity of the House and inconsistent with the standard which Parliament was entitled to expect from its members.

In pursuance of the report of the Committee a motion was brought before the House on 24 September 1951, to expel the member from the House. The member, after participating in the debate, submitted his resignation to the Deputy Speaker. The House deprecated the attempt of the member to circumvent the effect of the motion and unanimously adopted the following amended motion on 25 September 1951:

> That this House, having considered the Report of the Committee appointed on the 8th June 1951, to investigate the conduct f Shri H.G. Mudgal, Member of Parliament, accepts the findings of the Committee that the conduct of Shri Mudgal is derogatory to the dignity of the House and inconsistent with the standard which Parliament is entitled to expect from its members, and resolves that Shri Mudgal deserved expulsion from the House and further that the terms of the resignation letter he has given to the Deputy Speaker at the conclusion of his statement, constitute a contempt of this House which only aggravates his offence.

Socio-Economic Background: Tables 3 to 6 indicate the socio-economic background of members during successive Lok Sabhas.

Table 3: Average age of members from First to Tenth Lok Sabhas

Lok Sabha	Average age (in years)
First Lok Sabha	46.5
Second Lok Sabha	46.7
Third Lok Sabha	49.4
Fourth Lok Sabha	48.7
Fifth Lok Sabha	49.2
Sixth Lok Sabha	52.1
Seventh Lok Sabha	49.7
Eighth Lok Sabha	51.4
Ninth Lok Sabha	47.8
Tenth Lok Sabha	51.53

Table 4: Distribution of Members from First to Tenth Lok Sabha by Age Groups

Age Groups	1st Lok Sabha		2nd Lok Sabha		3rd Lok Sabha		4th Lok sabha	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
25–30 years	28	6.0	13	2.6	11	2.3	22	4.4
31–35 years	54	11.6	60	12.3	34	7.1	37	7.5
36–40 years	58	12.5	91	18.7	64	13.5	68	13.7
41–45 years	68	14.7	71	14.6	79	16.6	84	17.0
46–50 years	74	16.0	64	13.1	73	15.4	85	17.0
51.55 years	93	20.3	76	15.6	69	14.5	69	14.0
56–60 years	47	10.1	70	14.4	58	12.2	55	11.1
61–65 years	29	6.2	25	5.1	58	12.2	39	7.9
66–70 years	10	2.0	12	2.4	21	4.4	25	5.0
71–75 years	1	0.2	4	1.0	6	1.2	10	2.0
76–80 years	–	–	–	–	1	0.2	1	0.2
81–85 years	–	–	–	–	1	0.2	1	0.2
86–90 years	–	–	–	–	–	–	–	–
Total	462		486		475		496	
Total number of seats	499		500		503		523	

Age Groups	5th Lok Sabha		6th Lok Sabha		7th Lok Sabha		8th Lok Sabha	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
25–30 years	16	3.1	18	3.5	9	1.7	7	1.3
31–35 years	28	5.5	26	5.0	43	8.3	36	6.8
36–40 years	62	12.3	62	11.9	71	13.7	60	11.3
41–45 years	76	15.0	69	13.3	75	14.5	73	13.7
46–50 years	99	19.6	94	18.1	70	13.5	77	14.5
51–55 years	94	18.6	94	18.1	84	16.2	74	13.9
56–60 years	57	11.3	66	12.7	87	16.8	80	15.1
61–65 years	35	6.9	41	8.0	41	7.9	74	13.9
66–70 years	25	4.9	33	6.4	24	4.6	30	5.7
71–75 years	9	1.7	11	2.1	11	2.1	11	2.1
76–80 years	2	0.4	4	0.7	3	0.6	6	1.1
81–85 years	1	0.4	1	0.2	1	0.1	3	0.6
86–90 years	–	–	–	–	–	–	–	–
Total	504		519		519		531	
Total number of seats	521		544		544		544	

(Continued)

Table 4: *(Continued)*

Age Groups	9th Lok Sabha		10th Lok Sabha	
	Number	Percentage	Number	Percentage
25–30 years	14	2.92	8	1.50
31–35 years	16	3.34	33	6.18
36–40 years	55	11.48	54	10.11
41–45 years	72	15.03	86	16.10
46–50 years	78	16.28	88	16.48
51–55 years	79	16.49	71	13.30
56–60 years	65	13.57	70	13.11
61–65 years	53	11.06	71	13.30
66–70 years	34	7.10	33	6.18
71–75 years	11	2.30	15	2.81
76–80 years	1	0.21	4	0.75
81–85 years	–	–	1	0.19
86–90 years	1	0.21	–	–
Total	479		534	
Total number of seats	522		544	

Table 5: Educational Background of Members from First to Tenth Lok Sabha

Educational Background	1st Lok Sabha		2nd Lok Sabha		3rd Lok Sabha		4th Lok Sabha	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Under Matriculates	112	23.2	120	25.4	141	28.7	54	11.5
Matriculates/Higher Secondary or Intermediate Certificate holders	88	18.4	90	19.1	87	17.7	101	22.1
Graduates	177	37.1	160	33.9	157	32.0	172	35.4
Post-Graduates (including technical qualifications)	85	17.8	92	19.5	98	20.0	113	24.7
Doctoral Degree or other high academic qualification holders	15	3.5	9	2.1	7	1.6	17	6.3
Total	477		471		490		457	
Total number of seats	499		500		503		523	

(Continued)

Table 5: *(Continued)*

Educational Background	5th Lok Sabha		6th Lok Sabha		7th Lok Sabha		8th Lok Sabha	
	number	percentage	number	percentage	number	percentage	number	percentage
Under-Matriculates	119	23.1	52	9.8	53	10.0	42	7.9
Matriculates/Higher Secondary or Intermediate Certificate holders	82	16.0	132	24.9	118	22.3	112	21.0
Graduates	178	34.6	205	38.7	213	40.3	238	44.6
Post-Graduates (including technical qualifications)	127	24.7	132	24.9	136	25.8	131	24.6
Doctoral Degree or other high academic qualification holders	8	1.5	9	1.7	8	1.5	10	1.9
Total	514		530		528		533	
Total number of seats	521		544		544		544	

Table 5: *(Continued)*

Educational Background	9th Lok Sabha		10th Lok Sabha	
	number	Percentage	number	Percentage
Under-Matriculates	21	4.1	21	3.94
Matriculates/Higher Secondary or Intermediate Certificate holders	111	21.68	99	18.57
Graduates	222	43.36	244	45.78
Post-Graduates (including technical qualifications)	137	26.70	149	27.95
Doctoral Degree or other high academic qualification holders	21	4.1	20	3.75
Total	512		533	
Total number of seats	522		544	

Table 6: Occupational Background of Members from First to Tenth Lok Sabha

Prior Occupation	Ist Lok Sabha		2nd Lok Sabha		3rd Lok Sabha	
	Number	Percentage	Number	Percentage	Number	Percentage
Agriculturists	97	22.5	141	29.1	129	27.4
Artistes	–	–	–	–	–	–
Civil and Military Services	16	3.7	19	4.0	4	0.9
Diplomats	–	–	–	–	–	–
Economists	–	–	–	–	–	–
Engineers and Technologists	–	–	–	–	4	0.9
Former Rulers	5	1.1	7	1.4	10	2.1
Industrial workers/Trade Unionists	–	–	–	–	1	0.2
Journalists and Writers	45	10.4	50	10.2	27	5.8
Judges	–	–	–	–	–	–
Lawyers	153	35.6	147	30.5	115	24.5
Medical Practitioners	21	4.9	17	3.5	14	3.0
Pilots	–	–	–	–	–	–
Political and Social Workers	–	–	–	–	88	18.7
Religious Missionaries	–	–	–	–	1	0.2
Teachers and Educationists	43	9.9	55	11.3	27	5.8
Traders and Industrialists	52	12.0	50	10.2	50	10.3
Total	432		486		470	
Total number of seats	499		500		503	

Prior Occupation	4th Lok Sabha		5th Lok Sabha		6th Lok Sabha	
	Number	Percentage	Number	Percentage	Number	Percentage
Agriculturists	154	30.6	168	33.2	189	36.0
Artiste	1	0.2	–	–	–	–
Civil and Military Service	16	3.2	17	3.4	9	1.7
Diplomats	–	–	–	–	–	–
Economists	–	–	–	–	–	–
Engineers and Technologists	7	1.4	6	1.2	5	0.9
Former Rulers	7	1.4	2	0.4	3	0.6
Industrial Workers/Trade Unionists	1	0.2	–	–	9	1.7
Journalists and Writers	24	4.8	32	6.3	11	2.7
Judges	–	–	–	–	–	–
Lawyers	88	17.5	103	20.5	123	23.4
Medical Practitioners	14	2.8	9	1.7	10	1.9
Pilots	–	–	–	–	–	–
Political and Social Workers	115	22.9	96	19.0	105	20.0
Religious Missionaries	4	0.8	2	0.4	–	–
Teachers and Educationists	33	6.5	36	7.1	44	8.4
Traders and Industrialists	39	7.5	35	6.8	17	3.3
Total	503		506		525	
Total number of seats	523		521		544	

(Continued)

Table 6: *(Continued)*

Prior Occupation	7th Lok Sabha		8th Lok Sabha		9th Lok Sabha		10th Lok Sabha	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Agriculturists	206	39.3	203	38.3	204	40.40	177	33.15
Artistes	1	0.2	5	0.9	3	0.59	3	0.56
Civil and Military Service	5	0.9	16	3.0	9	1.78	13	2.43
Diplomats	–	–	–	–	2	0.40	4	0.71
Economists	–	–	–	–	3	0.59	–	–
Engineers and Technologists	6	1.1	4	0.8	8	1.58	7	1.31
Former Rulers	1	0.2	3	0.6	–	–	3	0.56
Industrial Workers/Trade Unionists	4	0.8	7	1.3	5	0.99	5	0.93
Journalists and Writers	15	2.9	7	1.3	16	3.17	12	2.25
Judges	–	–	–	–	1	0.20	–	–
Lawyers	116	22.2	101	19.1	79	15.64	85	15.92
Medical Practitioners	10	1.9	21	4.0	18	3.56	26	04.87
Pilots	–	–	–	–	1	0.20	2	0.37
Political and Social Workers	90	17.2	85	16.0	86	17.03	94	17.60
Religious Missionaries	1	0.2	1	0.2	2	0.40	3	0.56
Teachers and Educationists	35	6.7	41	7.7	44	8.71	51	9.55
Traders and Industrialists	33	6.3	36	6.8	22	4.36	17	3.18
Total	523		530		503		502	
Total number of seats	544		544		522		533	

It would be seen therefrom that the average age of members (Table 3) which crossed the 50-year mark in the Sixth (52.1 years) as well as the Eighth Lok Sabha (51.4 years) respectively, had shown a nose-dive in the Ninth Lok Sabha (47.8 years). The present House with an average of 51.43 years is the eldest House after the Sixth. Keeping in tune with continuity, it would be observed (Table 4) that as in the previous Lok Sabhas, the middle-aged members, *i.e.*, the age group of 41-55 years, have the largest representation in the Tenth Lok Sabha as well. For the first time, a member in the age group of 86-90 was elected to the Ninth Lok Sabha.

As regards educational background (Table 5), the Tenth Lok Sabha has the distinction of being the highest educated Lok Sabha ever with the largest proportion of educated members (77.48 per cent) belonging to the category of graduates and above. This marks a significant improvement upon the record of the Eighth and Ninth Lok Sabhas with a similar percentage being 71.1 and 74.22 respectively.

In matters of prior occupation, the Ninth Lok Sabha presents a much broad-based picture (Table 6). As was the case in previous six Lok Sabhas, the agriculturists dominate the scene in the Tenth Lok Sabha also. Their strength is indicative of Lok Sabha becoming much more representative of the people at the grass-roots.

The representation of women members in the Tenth Lok Sabha marks a substantial increase over the previous House. While there were only 27 women members in the Ninth House, there are as many as 39 members in the present Lok Sabha.

SESSIONS AND SITTINGS

Normally, Parliament holds three sessions in a year: (i) Budget Session (February-May); (ii) Monsoon Session (July-September); and (iii) Winter Session (November- December).

The first session commences in February and lasts till the middle of May. This session has its own importance inasmuch as being the first session of the year, the President addresses both Houses of Parliament assembled together at the commencement of the session.

Another important feature of this session is the presentation and discussion of the Railway and the General Budgets. On this account, this session is popularly known as the 'Budget Session'. In addition to the passing of the Railway and the General Budgets, other items of Business like Bills, motions and resolutions are also taken up in this session. The total number of sittings in the Budget Session is around 50 to 60.

The second session of the year which is known as the 'Monsoon Session' generally commences in the third or fourth week of July or in early August and lasts till the first or second week of September. This session is comparatively of shorter duration and is mainly confined to legislative business, discussion on motions and on matters of urgent public importance. The number of sittings in this session is roughly in the neighbourhood of 21 to 30.

The third session in the year which is known as the 'Winter Session' commences in November and normally lasts till the third week of December. The number of sittings in this session also is around 21 to 30.

In the case of Rajya Sabha, however, the Budget Session is split up in two sessions with 3-4 weeks break in between so that it has four sessions in a year.

While according to the letter of the Constitution, the power to summon, to prorogue and to dissolve Lok Sabha is vested in the President, it is exercised on the recommendation of the Prime Minister or the Council of Ministers. In actual practice, the proposal to summon Lok Sabha is initiated by the Minister of Parliamentary Affairs and is submitted to the Prime Minister who may agree with the suggestion or refer it to the Cabinet. The decision taken is formally submitted to the Speaker. If the Speaker also agrees (in the case of a rare disagreement, he may refer the matter back to the Prime Minister for reconsideration), the Secretary-General would obtain the order of the President to summon Lok Sabha on the date and time specified. After the President has signed the order, the Secretary-General notifies it in the Gazette Extraordinary and issues a press communique for wider publicity in the Press as well as over the All India Radio/Doordarshan (Television).

Issue of Summons: The Secretary-General issues summons to each member individually. Along with the summons or immediately after its issue, every member is supplied a printed copy of the Provisional Calendar of Sittings, showing the days on which Lok Sabha will sit and the type of business which will be conducted at each such sitting. Members are also informed in detail, through the Lok Sabha Bulletin, about the President's Address, time of sittings of the House, procedure for ballots of Private Members' Business, allotment of days for answering questions and procedure connected with the giving of notices of questions, etc. A chart showing the first and the last dates of receipt of notices of questions is also supplied to each member.

Prorogation of Lok Sabha: After adjournment of Lok Sabha *sine-die*, the Secretary-General makes an enquiry from the Prime Minister, through the Minister of Parliamentary Affairs (and through the Leader of the House if the Prime Minister is not the Leader of the House), whether Lok Sabha be prorogued under Clause (2) (a) of Article 85, or the Minister of Parliamentary Affairs (or the Leader of the House, as the case may be) may himself send a communication conveying the intention of the Prime Minister or the Cabinet to prorogue the House. Of late, the practice that has developed is that of the Minister of Parliamentary Affairs himself informing the Secretary-General of the Government's intention to prorogue the House.

The proposal of the Prime Minister after being agreed to by the Speaker, is submitted to the President by the Secretary-General. After the President has made the order, it is notified in the Gazette Extraordinary of the day on which the order is received in the Secretariat. Simultaneously a paragraph is issued in the Bulletin informing the members of the prorogation of Lok Sabha. Unless the House is prorogued by the President, technically it continues to be in session even after being adjourned *sine-die* and it can be called back to order any time by the Speaker.

Dissolution of Lok Sabha: Under the Constitution, Lok Sabha stands automatically dissolved on the day it completes its five-year term. A practice has, however, grown right from the first Lok Sabha onwards

whereunder the House is dissolved sometime earlier than the due date of dissolution. The procedure followed is similar to that of prorogation. The Secretary-General, a few days before the termination of the last session of Lok Sabha, makes an enquiry from the Prime Minister through the Minister of Parliamentary Affairs and through the Leader of the House (if the Prime Minister is not the Leader of the House), or the Minister of Parliamentary Affairs (or the Leader of the House, as the case may be) himself sends a communication about the date suggested by the Prime Minister. The proposal of the Prime Minister as agreed to by the Speaker, is submitted by the Secretary-General to the President. A draft order is also sent along with the note indicating the date on which it is proposed to dissolve the House. The order is signed by the President on the date on which Lok Sabha is to be dissolved. After the President has made the order, it is notified in the Gazette Extraordinary of the day on which the order is received in the secretariat. Simultaneously, the Secretary-General issues a press communique for wider publicity of the order in the Press as well as over the All India Radio/Doordarshan, etc. A paragraph is also issued in the Bulletin informing the members of the dissolution of Lok Sabha.

In case the Prime Minister decides to recommend to the President to dissolve Lok Sabha before the end of its normal term, the Prime Minister submits the proposal to the President and communicates the President's order of dissolution to the Speaker, who asks the Secretary-General to notify it in the Gazette and inform the members through the Bulletin, the Press and the other media.

Emergent Sessions: The procedure for summoning Lok Sabha for an emergent session is generally the same as for a regular session. The President's order takes the same form as for commencement of any other session; so also do other formalities. The press communique issued by the Secretariat also mentions the special purpose for which the session is being convened.

When the Indian Rupee was devalued, an emergent session of the Constituent Assembly (Legislative) was called on 5 October 1949. The session lasted for two days. The proposal of the Cabinet to summon

the session was received late in the evening on 21 September 1949, and the summons to members were issued on 23 September 1949.

An emergent session of the Provisional Parliament was held to discuss the Korean situation in 1950. On 11 July 1950, the Cabinet proposed to call the session from 31 July 1950. On the same day orders of the President were obtained and summons to members were issued.

If the session is summoned at a short notice and there is no time to issue the regular summons, members may be summoned telegraphically. When an emergent session is summoned at a short notice, the air and railway transport authorities are instructed to give top priority to members proceeding to attend the session.

Table 8 shows the number of sessions held by successive Lok Sabhas. It will be seen from this Table that on an average, there were fifteen/sixteen sessions of each Lok Sabha.

Table 8: Number of Sessions Held by each Successive House (Lok Sabha) Since Independence

Name of the House	Period	Number of sessions held	Remarks
Dominion Legislature Constituent Assembly (Legislative)	From 17.11.1947 to 24.12.1949	6	
Provisional Parliament	From 28.1.1950 to 5.3.1952	5	
First Lok Sabha	From 13.5.1952 to 28.3.1957	15	
Second Lok Sabha	From 10.5.1957 to 30.3.1962	16	A joint sitting of the two Houses was held during 6.5.1961 to 9.5.1961
Third Lok Sabha	From 16.4.1962 to 5.12.1966	16	
Fourth Lok Sabha	From 16.3.1967 to 18.12.1970	12	
Fifth Lok Sabha	From 19.3.1971 to 5.11.1976	18	

(Continued)

Table 8: *(Continued)*

Name of the House	Period	Number of sessions held	Remarks
Sixth Lok Sabha	From 25.3.1977 to 20.8.1979	9	A joint sitting of the two Houses was held on 16.5.1978
Seventh Lok Sabha	From 21.1.1980 to 27.8.1984	15	-
Eighth Lok Sabha	From 15.1.1985 to 13.10.1989	14	
Ninth Lok Sabha	From 18.12.1989 to 12.3.1991	7	12.3.1991
Tenth Lok Sabha	9.7.1991	5	Till December 1992

BUSINESS OF THE HOUSE

Parliamentary business can be divided into two broad headings, *viz.*, Government business and Private Members' business. Government business may be further sub-divided into two categories: (a) items of business initiated by the Government, and (b) items of business initiated by private members but taken up in Government time.

Order of Business: In Lok Sabha, Direction 2 of the Directions by the Speaker lays down the order of various kinds of business which is listed in the List of Business on any day. Normally the order is as follows, unless the Speaker otherwise directs on any particular occasion:

(i) Oath of affirmation.

(ii) President's Address to both Houses of Parliament, to be laid on the Table.

(iii) Obituary references.

(iv) Questions (including short notice questions).

(v) Leave to move motions for adjournment of the business of the House.

(vi) Questions involving a breach of privilege.

(viii) Communication of messages from the President.

(ix) Communication of messages from Rajya Sabha.

(x) Intimation regarding President's assent to Bills.

(xi) Communications from magistrates or other authorities regarding arrest or detention or release of members of the House.

(xii) Announcements by the Speaker regarding leave of absence of members from the sittings of the House.

(xiii) Announcement by the Speaker regarding various matters, e.g., resignations of members of the House, nominations to panel of Chairmen, Committees, etc.

(xiv) Rulings by the Speaker.

(xv) Presentation of Reports of Committees.

(xvi) Laying of evidence before Select/Joint Committee on Bills.

(xii) Presentation of petitions.

(xiii) Statements by Ministers.

(xix) Calling Attention Notice.

(xx) Personal statements by ex-Ministers in explanation of their resignation.

(xxi) Statements under Direction 115.

(xxii) Personal explanations under Rule 357 (if not made during the debate).

(xxiii) Motions for elections to Committees.

(xxiv) Motions for extension of time for presentation of reports of Select/Joint Committees on Bills.

(xxv) Motions for adoption of reports of Business Advisory Committee.

(xxvi) Motions for leave to move Resolution for removal of Speaker/Deputy Speaker.

(xxvii) Motion for leave to make a motion of no-confidence in the Council of Ministers.

(xxix) Bills to be introduced.

(xxx) Laying of explanatory statements giving reasons for immediate legislation by Ordinances.

(xxxi) Raising of matters under Rule 377, which are not points of order.

(xxxii) Consideration of reports of Committee of Privileges.

The Secretary-General is required to arrange Government business to be transacted on days fixed for Government business in such order as the Speaker may, after consultation with the Leader of the House, determine. In practice, normally, Government business is arranged in the same order in which it is furnished by the Leader of the House or the Minister of Parliamentary Affairs on his behalf. This order may, however, be varied under directions of the Speaker or in accordance with the decisions of the House. A new item of business may also be included in the List of Business by order of the House.

It is an established practice that a partly-discussed item of business is put down before any other fresh item.

Business Advisory Committee: The role of the Business Advisory Committee of Lok Sabha in the determination of the business to be transacted by the House is of great importance. It is really a pioneering Indian institution which helps in the conduct of business according to precise time-table. This Committee consists of the Speaker who is its *ex-officio* Chairman and not more than fourteen other members nominated by him to represent different sections of the House. The Committee is nominated at the commencement of a new House after a General Election and thereafter from time to time. No specific term of its office is laid down in the Rules of Procedure and Conduct of Business of Lok Sabha. It holds office until a new committee is constituted. In practice, however, a new committee assumes office on the first day of June every year. Casual vacations are filled by nomination of new members for the unexpired term of the Committee.

The main function of the Committee is to recommend the time that should be allocated for discussions of the stage or stages of such Government Bills or other business which the Speaker in consultation with the Leader of the House may direct to be referred to the Committee. The Committee also discharges such other functions as may

be assigned to it by the Speaker from time to time.

The Committee selects for discussion in the House motions under Rule 184 and short duration discussions under Rule 193 and recommends time therefor.

List of Business: List of Business is the list of items of business, Government and Private Members', which are scheduled to be taken up in the House on a particular day or a number of days in the order as indicated therein. No business not included in the List of Business for the day is permitted to be taken up at any sitting unless the Speaker gives previous permission to do so. In case a member desires to raise a matter not included in the List of Business, he has to write to the Speaker stating the matter that he wishes to raise and if the Speaker gives the permission, only then the member can raise it on the floor of the House. The following items of business may, however, be taken up in the House without any entry in the List of Business : Oath or affirmation by a member returned in a by-election; obituary reference on the demise of a sitting member or a former member or other leading personality; adjournment motion; communication of a message from the President; announcement or ruling by the Speaker; question of privilege; announcement of a communication regarding arrest, etc., of a member; announcement regarding resignation of a member; and motion regardingthe suspension of a rule.

Special references on certain solemn occasions are also made in the House without any entry in the List of Business. Secret Bills are allowed to be introduced with the prior approval of the Speaker, without an entry being made in the List of Business. In special circumstances, an emergent Bill may be allowed to be introduced even though prior entry regarding that item is not made in the List of Business for the day. Similarly, a Minister may be allowed to make a statement on a matter of urgent public importance which cannot be delayed, provided the Minister has made a request to the Speaker previously.

In the exercise of his discretionary powers, the Speaker may also permit consideration of an item of business not included in the List of Business, giving due consideration to the wishes of the House and

urgency of the business to be transacted.

Private Members' Business: Items of business initiated by private members are taken up in Private Members' time on every Friday or such other day as the Speaker may fix. These include:

Private Members' Bills; Private Members' Resolutions; Motions for Adoption of Reports of the Committee on Private Members' Bills and Resolutions; Motions for extension of time allotted to Private Members' Bills and Resolutions; and Motions for extension of time for presentation of Reports of Select Committees on Bills introduced by private members or for circulation of such Bills for eliciting opinion thereon.

On every Friday or such other day as may be allotted for the purpose, the last two and a half hours are spent on Private Members' Business. Up to the fourth session of Third Lok Sabha in 1963, Resolutions and Bills were put down alternately starting with resolutions on the first Friday of the session. In order to give maximum notice of Private Members' Resolutions to the Ministers, from the fourth session, 1963, Bills are put down on the first Friday of the session and Resolutions on the second Friday and so on.

The Committee on Private Members' Bills and Resolutions of Lok Sabha classifies and allocates time to Bills introduced by private members, recommends allocation of time for discussion of Private Members' Resolutions and examines Constitution Amendment Bills before their introduction by private members in Lok Sabha. Rajya Sabha does not have such a Committee. It is the Business Advisory Committee of that House which recommends the allocation of time for the discussion of stage or stages of Private Members' Bills and Resolutions.

Rules of Debate: Decorum and decency are the essence of Parliamentary functioning. If a member desires to speak on any motion before the House, he has to rise in his place and try to catch the Presiding Officer's eye. He speaks only if and when he is called upon to speak. If several members rise simultaneously, the Presiding Officer calls upon the member who first 'catches his eye'. In practice, however, the names of speakers on a particular subject are prearranged between

the Whips of the different parties, and a list of the names is supplied to the Presiding Officer. The Presiding Officer calls upon members from the list, and in order to make the debate lively and interesting, he would usually call upon members alternately from each party or group. In the absence of any agreed list, members who wish to speak may submit their names to the Presiding Officer. The Presiding Officer has absolute discretion in the matter of calling upon members to speak.

Members make their speeches from their places and in doing so address the Chair from their seats. No rostrum is provided, and the member speaking does not address the assembly of members. A member has to make his speech standing except that a member disabled by sickness or infirmity may be permitted to speak sitting.

The Presiding Officer, except as provided under the Rules, may not impose a time-limit. The limit of fifteen minutes for a speech applies only to non-official resolutions and resolutions for the removal of the Presiding Officer. The Speaker may fix a time-limit in the case of discussion on matters of public importance of short duration and no-day-ye-named motions.

The Presiding Officer has the authority to enforce the rules of debate and order in the House. If a member offends against any rule, the Presiding Officer calls him to order. But if the member still persists in such conduct and disobeys the directions of the Presiding Officer, the Presiding Officer can ask him to withdraw from the House or name him for gross disorderly behaviour. The House has full authority to deal in any way it likes with a contumacious member. The punishments that may be imposed are (a) reprimand and admonition, (b) suspension and (c) expulsion.

Voting Procedure: The most common method of ascertaining the views of the House on any matter is by a voice vote with the Presiding Officer asking those in favour to say 'Ayes' and those against saying 'Noes' and then announcing twice that the 'Ayes' or the 'Noes', as the case may be, have it. But whenever any member questions the result of the voice vote as also in certain matters like constitutional amendments, Division becomes necessary. There are three methods of hold-

ing a Division, *viz.*, by operating the Automatic Vote Recorder, by distributing 'Aye' and 'No' slips in the House or by members going into the Lobbies.

In the case of recording of votes through the Automatic Vote Recorder, members cast their votes from their respective seats, by pressing, according to their choice, 'Aye'/'No'/'Abstain' push buttons provided for the purpose. After the results of the voting appear on the indicator boards, any member who may not have been able to cast his vote by pressing the button on account of any reason considered sufficient by the Chair, may, with the Chair's permission, have his vote recorded through slip. Similarly, any member having by mistake pressed the wrong button, may also be allowed by the Chair to correct his mistake through such a slip. The result of the automatic voting is thereafter declared by the Chair subject to corrections made through the slips.

Proceedings: Business in the House is required to be transacted either in Hindi or in English. The Speaker ma, however, permit any member who cannot adequately express himself in either of these two languages to address the House in his mother tongue. Although, according to Rules, a member who addresses the House in any of the scheduled languages other than Hindi or English, is required to furnish in advance to the Officer at the Table or the Parliamentary Notice Office the Hindi or English translation of his speech. The general practice followed in this egard is that even if he does not furnish the Hindi or English translation, his speech, which is tape-recorded in normal course, is later got translated into English or Hindi by the Secretariat and sent to the member for correction. The English or Hindi translation is printed in the debates, with a footnote indicating the language in which the speech was originally delivered in the House. Speeches delivered in Urdu are normally printed in the Devanagari script except in the case of those members who specifically request that their speeches may be printed in Persian script; in such cases, the speeches are printed in the Devanagari script, followed by their reproduction i Persian script, within brackets.

Simultaneous Interpretation: The proceedings of the two Houses are

simultaneously interpreted from Hindi into English and *vice versa*. Besides, speeches made in Assamese, Bengali, Gujarati, Kannada, Malayalam, Marathi, Oriya, Tamil and Telugu are simultaneously interpreted into English and Hindi. Each seat is provided with a headphone and language selector through which a member can listen to the proceedings in the floor language, or in English or Hindi, when the speech happens to be in any of the aforesaid languages.

PRESIDING OFFICERS

Each House of Parliament has a Presiding Officer. The Presiding Officer of Lok Sabha is called the Speaker and that of Rajya Sabha the Chairman. Lok Sabha has a Deputy Speaker to preside in the absence of the Speaker and Rajya Sabha a Deputy Chairman. When the offices of both the Speaker and the Deputy Speaker fall vacant, the duties of the office of the Speaker are performed by such member of Lok Sabha as the President may appoint for the purpose. The person so appointed is known as Speaker-*pro tem* and this nomenclature distinguishes him from the Speaker elected by the House. After his appointment the Speaker-*pro tem* continues in office till the Speaker is chosen. The name of a member to be appointed as Speaker-*pro tem* is suggested by the Prime Minister. Normally the senior-most member of Lok Sabha is chosen for appointment as the Speaker-*pro tem*. On receipt of the proposal of the Prime Minister or the Cabinet by the Secretary-General, a note together with a draft order regarding the appointment of a member of Lok Sabha to perform the duties of the Speaker until the election of the Speaker by Lok Sabha is submitted by him to the President for his approval. Thus, though he enjoys all the powers of Speaker under the Constitution or Rules of Procedure and Conduct of Business in Lok Sabha, in effect he remains in the Chair for the purpose of enabling members to take their seats in the House and electing the Speaker.

While the Speaker of Lok Sabha is chosen by Lok Sabha from amongst its members, the Vice-President of India is the *ex-officio* Chairman of the Rajya Sabha. He is elected by the members of an electoral college consisting of the members of both Houses of Parlia-

ment by secret ballot in accordance with the system of proportional representation by means of single transferable vote. The conditions of eligibility for election as Vice-President are the same as for President with one exception that the candidate for Vice-President should be a person qualified to be elected as a member of Rajya Sabha. The Vice-President shall hold office for a term of five years from the date on which he enters upon his office. Provided that:

(a) A Vice-President may, by writing under his hand addressed to the President, resign his office;

(b) a Vice-President may be removed from his office by a resolution of the Council of States passed by a majority of all the then members of the Council and agreed by the House of People, but no resolution for the purpose of this clause shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution;

(c) a Vice-Presient shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

The Deputy Speaker of Lok Sabha and the Deputy Chairman of Rajya Sabha are elected by their respective Houses from amongst their members.

The Speaker, Lok Sabha holds office until he ceases to be a member of the House or until he himself resigns or is removed from his office by a resolution of the House passed by a majority of all the members of the House. The Speaker continues in office notwithstanding the fact that the House has been dissolved, and vacates it immediately before the first meeting of the new House after the dissolution. The Chairman of Rajya Sabha, on the other hand, holds office for a term of five years from the date on which he enters upon his office or until he resigns or is removed from his office by a resolution of Rajya Sabha passed by a majority of the members of the House and agreed to by the Lok Sabha. The Deputy Speaker and the Deputy Chairman hold office until they cease to be members of their respective Houses or resign their office or are removed from their office by their respective Houses.

The salary and allowances of the Presiding Officers are charged on the Consolidated Fund of India. The Chairman, Rajya Sabha, is paid

a salary of seven thousand and five hundred rupees per mensem. He is also paid, like the Speaker, Lok Sabha, a sumptuary allowance of one thousand rupees per mensem. The salary and allowances of the Speaker, Lok Sabha (after the recent amendment in the Act in 1985) are almost the same as drawn by members. Thus, he draws a salary of Rs. 1500/- per mensem; a constituency allowance of Rs. 3000/- per mensem and daily allowance of Rs. 150 per day. While members receive the daily allowance for attending the sittings of the House, Committee meetings, etc., the Speaker is paid this allowance for all the days, during the whole of his term. As a Presiding Officer he is entitled to a sumptuary allowance of Rs. 1000 per mensem. The Speaker, Lok Sabha enjoys several other facilities, like free furnished accommodation, medical facilities, personal staff, staff car and guard.

The office of the Speaker in India is one of great prestige and authority. The Speaker enjoys vast powers both under the Constitution and the Rules of Procedure and Conduct of Business. Also, he wields many inherent powers. The Speaker represents Parliament before the rest of the world and is its collective voice. He symbolises the values on which a parliamentary system of Government is based. Parliament is the pivot of a democratic system of Government and the Presiding Officer is the pivot of the parliamentary machinery. The main characteristics of this high office are dignity, independence and impartiality. The Constitution has accorded to the holder of this officer a special position. Also in the Warrant of Precedence, he stands along with the Chief Justice of India next only to the Prime Minister and ahead of all other Ministers.

As the head of Lok Sabha, he is the principal spokesman of the House. It is through the Speaker that the decisions of the House are communicated to outside individuals and authorities; he issues warrants to execute the orders of the House, wherever necessary, and delivers reprimands on behalf of the House. Within the precincts of the House, his authority is supreme. His conduct cannot be discussed except on a substantive motion.

The Committees of the House function under his overall directions. The Chairmen of Parliamentary Committees are nominated by him. Any procedural problems in the functioning of Committees are

referred to him for directions. Committees like the Business Advisory Committee, the General Purposes Committee and the Rules Committee, however, work directly under his chairmanship.

The Speaker's authority over the secretarial staff of the House, its precincts and its security arrangements is supreme. All strangers, visitors and press correspondents are subject to his discipline and orders, and a breach of order may be punished by means of exclusion from the precincts of Parliament House or stoppage of admission tickets to galleries for a definite or indefinite period or in more serious cases, dealt with as a contempt or breach of privilege. The Speaker is the custodian of the rights and privileges of the House, its Committees and members. He is responsible for the protection of the rights of members, and for ensuring that all reasonable amenities are provided to them.

The Speaker enjoys a special position insofar as the relations between the two Houses of Parliament in certain matters are concerned. He certifies Money Bills and decides finally what are "money" matters. It is the Speaker of the Lok Sabha who presides over joint sittings called in the event of a final disagreement between the two Houses on a legislative measure. The Speaker is the *ex-officio* President of the Indian Parliamentary Group which in India functions as the National Group of the Inter-Parliamentary Union and the Main Branch of the Commonwealth Parliamentary Association. He nominates, in consultation with the Chairman of Rajya Sabha, personnel for various parliamentary delegations to foreign countries. He occasionally leads these delegations himself. The Speaker is also the Chairman of the Conference of Presiding Officers of Legislative Bodies in India.

All matters not specifically provided for in the Rules and all questions relating to the detailed working of the Rules are regulated in such manner as the Speaker, from time to time, directs. These directions are compiled and published for guidance.

Tables 9 and 10 show the names and the tenure of Speakers and Deputy Speakers of Lok Sabha.

Table 9: The Names and Tenure of Speakers, Lok Sabha

Name	Tenure	
	From	To
Shri G.V. Mavalankar	17.11.1947	27.2.1956
Shri M.A. Ayyangar	8.3.1956	16.4.1962
Sardar Hukam Singh	17.4.1962	16.3.1967
Shri N. Sanjiva Reddy	17.3.1967	19.7.1969
Dr. G.S. Dhillon	8.8.1969	1.12.1975
Shri B.R. Bhagat	5.1.1976	25.3.1977
Shri N. Sanjiva Reddy	26.3.1977	13.7.1977
Shri K.S. Hegde	21.7.1977	21.1.1980
Dr. Bal Ram Jakhar	22.1.1980	15.1.1985
"	16.1.1985	17.12.1989
Shri Rabi Ray	19.12.1989	9.7.1991
Shri. Shivraj V. Patil	10.7.1991	till date

Table 10: Statement Showing the Names and Tenure of Deputy Speakers, Lok Sabha

Name	Tenure	
	From	To
Shri M.A. Ayyangar	3.9.1948	7.3.1956
Sardar Hukam Singh	20.3.1956	31.3.1962
Shri S.V. Krishnamurthy Rao	23.4.1962	3.3.1967
Shri R.K. Khadilkar	28.3.1967	1.11.1969
Shri G.G. Swell	9.12.1969	18.1.1977
Shri Godey Murahari	1.4.1977	22.8.1979
Shri G. Lakshmanan	1.2.1980	31.12.1984
Shri M. Thambi Durai	22.1.1985	27.11.1989
Shri Shivraj V. Patil	19.3.1990	13.3.1991
Shri S. Mallikarjunnaiah	13.8.1991	till date

PROCESS OF LEGISLATION

All proposals for legislation are initiated in the form of Bills which,

when passed by the two Houses and assented to by the President become Acts. Bills may be classified into Government Bills and Private Members' Bills. On the basis of their contents, they may further be classified into:

Original Bills (Bills embodying new proposals, ideas or policies);

Amending Bills (Bills which seek to modify, amend or revise existing Acts);

Consolidating Bills (Bills which seek to consolidate existing law on a particular subject;

Expiring Laws (Continuance) Bills (Bills to continue an expiring Act);

Bills to replace Ordinances; and Constitution (Amendment) Bills.

Money and Financial Bills, because of their special features, are treated separately from other Bills.

A Bill, *i.e.*, the draft of a legislative proposal, has to pass through the following stages before it becomes an Act of Parliament.

First Reading: The First Reading means motion for leave to introduce a Bill on the adoption of which the Bill is introduced, or introduction of a Bill already published in the Gazette.

Second Reading: The Second Reading consists of consideration of the Bill which is in two stages. First, a general discussion on the bill as a whole takes place when the principles underlying the Bill are discussed. At this stage, it is open to the House to decide to refer the Bill to a Select Committee of the House or a Joint Committee of the two Houses or to circulate the Bill for the purpose of eliciting opinion thereon or straightaway take it into consideration. When a Bill is referred to a Select or Joint Committee, the Committee gives it a close and detailed scrutiny clause-by-clause and recommends such amendments thereto as it deems necessary. Where necessary, the Committee may also take evidence of associations and public bodies representing affected interests or of experts who have special knowledge of matters having a bearing on the measures before it. Thereafter, the Committee submits its reports to the House, which considers the Bill as reported by the Committee.

The second stage of the Second Reading consists of a clause-by-clause consideration of the Bill as introduced, or as reported by Select or Joint Committee, as the case may be.

Third Reading: When all the clauses and schedules, if any, of the Bill have been considered and voted upon by the House, the member in-change moves that the Bill be passed. At this stage, debate is confined to arguments either in support of the Bill or its rejection, without referring to the details thereof further than is absolutely necessary. Only formal, verbal or consequential amendments are allowed at this stage.

Bill in the Other House: After th Bill is passed by one House, it is sent to the other House where again it passes through similar stages.

When a Bill is passed by both the Houses, it is presented to the President for assent. The President may give his assent or withold his assent to a Bill, or he can return the Bill (provided it is not a Money Bill) with his recommendations for reconsideration. If the Houses pass the Bill again with or without amendments, the President cannot refuse his assent to the Bill. In the case of a Constitution Amendment Bill, the President is bound to give his assent in the very first instance.

Amendment of the Constitution: A Bill seeking to amend the Constitution may be brought forward by a Minister or a private member. Where the Bill is from a private member, the Bill, apart from being subject to the normal rules applicable to Private Members' Bill, has also to be examined and recommended by the Committee on Private Members' Bills and Resolutions, before a motion for leave to introduce it, is included in the List of Business. Barring the requirement of a special majority, namely, majority of the total membership of the House and a majority of not less than two-thirds of the members of the House present and voting for adoption of the motion that the Bill be passed, and in certain cases of ratification by the Legislatures of not less than one-half of the States, a Bill for amendment of the Constitution follows practically the same legislative process as an ordinary piece of legislation.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

The Question Hour: One of the most important and effective parliamentary devices through which matters of urgent public importance can be raised on the floor of the House and the accountability of the administration ensured is the Question Procedure. The first hour of every sitting is normally devoted to Questions. Questions are of three types: (i) Starred Questions, (ii) Unstarred Questions and (iii) Short Notice Questions. A Starred Question is one to which a member desires an oral answer in the House. Answer to such a question may be followed by supplementary questions germane to the main one and arising out of the reply given by the Minister. In the case of Unstarred Questions and such starred questions as are not reached for oral answer during Question Hour, written answers are deemed to have been laid on the Table by the concerned Ministers. A Short Notice Question is one which relates to a matter of urgent public importance and can be asked with notice shorter than the normal period prescribed for a question. For questions other than Short Notice Questions, the period of notice prescribed is not less than ten and not more than twenty-one clear days. Short Notice Question is answered after the Question Hour and may, as in the case of any question for oral answer, give rise to supplementaries.

Half-an-Hour Discussion: Closely connected with the Question Hour is the provision for Half-an-Hour Discussion. Under this procedure, a member may give notice for raising a discussion on a matter of sufficient public importance which has been the subject of a recent question, oral or written, and the answer to which needs elucidation on a matter of fact. Such discussion is usually held during the last half-an-hour of the sitting on specified days of the week.

Motion of No-Confidence: Since under the Constitution, the Council of Ministers is collectively responsible to Lok Sabha, a motion of no-confidence in the Council of Ministers can be moved in Lok Sabha by any member by giving appropriate notice. No-confidence motions cannot be moved in Rajya Sabha. Under the Rules of Procedure and

Conduct of Business in Lok Sabha, leave of the House must be granted by not less than fifty members standing in support before such a motion can be moved. If the prescribed number of members support a motion of no-confidence when leave is asked for by rising in their places, leave is deemed to be granted; otherwise leave is deemed to be refused. If a motion of no-confidence is passed, it is conclusive evidence of the Government of the day having lost its credentials to govern and it must therefore resign forthwith.

Adjournment Motions: The primary object of Adjournment Motion is to set aside the normal business of the House and take up for discussion an urgent matter of public importance. A motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance can be moved with the consent of the Speaker and leave of the House. Not less than 50 members should rise in their places in support in order to get the leave of the House. Normally, no business not included in the List of Business can be taken up in the House. The Adjournment Motion, therefore, is an extraordinary procedural device.

After leave of the House to the moving of an Adjournment Motion has been granted and time fixed for its discussion, the Speaker usually allows the motion to be moved at the appointed time which is normally at 16.00 hours. The time allotted for discussion is two-and-a-half hours unless the debate concludes earlier. At the end of the discussion, the motion "that the House do now adjourn" is put to vote. If the motion is negatived, the business which was interrupted by the Adjournment Motion is resumed for sometime before the House is adjourned for the day. Since an adjournment motion also involves an element of censure, such motions are not allowed or provided for in Rajya Sabha under the Rules of that House.

No-Day-Yet-Named Motion: Members may raise discussion on a specific matter of public importance by giving notice either of a motion popularly termed as "No-Day-Yet-Named Motion" or of a "Short Duration Discussion". While notice for a No-Day-Yet-Named Motion is so worded as to record the decision of the House on the subject, the notice for a Short Duration Discussion provides an opportunity for discus-

sion of a situation or a statement, but there is no question of putting it to the vote of the House. After admission of notices by the Speaker, any one of these motions may be selected by the Business Advisory Committee for discussion in the House and thereafter, it is included in the List of Business. The mover of the motion in the case of a No-Day-Yet-Named Motion has the right of reply in addition to the privilege of initiating the discussion. No such right of reply is available to the member raising a Discussion for Short Duration. The Minister intervenes towards the end to clarify the Government's stand.

Calling Attention Notices: Calling Attention Notice is an essentially Indian procedural innovation. Under Rule 197 of the Rules of Procedure and Conduct of Business in Lok Sabha a member may, with the prior permission of the Speaker, call the attention of the Government through the concerned Minister to a matter of urgent public importance and request the Minister to explain the Government's views or stand thereon. A Calling Attention Notice may be admitted straightaway by the Speaker in his discretion and the Government have to come forward with a statement. The matter is normally raised after the Question Hour. Although there can be no debate at the time the statement is made, the members concerned may raise points for clarification and elucidation by the Minister. There is no bar also to a notice being given for a debate on the matter contained in the statement.

Private Members' Resolutions: Specific matters are also discussed through Private Members' Resolutions which are in the form of substantive motions. Last two-and-a-half hours of the sitting on every alternate Friday during the session are devotedto Private Members' Resolutions. Members securing priority in the ballot get a chance to move such resolutions.

Rule 377 and Special Mentions: Another Indian procedural innovation is that of Special Mentions in Rajya Sabha or raising matters under Rule 377 in Lok Sabha. According to this procedural device a member who wishes to bring to the notice of the House any matter which is not a point of order can do so if he has given a notice thereof

in writing to the Secretary-General and the Speaker/Chairman has permitted him to raise such a matter in the House. While making the statement in Lok Sabha, a member has to confine to the text not exceeding 250 words approved by the Speaker in advance.

Presidential Address: At the commencement of the first session after each General Election to Lok Sabha and also at the commencement of the first session of each year, the President addresses both the Houses of Parliament assembled together, and informs Parliament of the causes of its summons. The Address contains a review of the activities and achievements of the Government during the previous year and their policy with regard to important internal and current international problems, besides a brief account of the programme of Government business for the session. The President may also otherwise address either House or both Houses assembled together and for the purpose require the attendance of members.

Petitions: Rules 160 to 169 of the Rules of Procedure and Conduct of Business in Lok Sabha lay down the procedure for presentation of petitions. A petition couched in respectful, decorous and temperate language may be addressed to the House and conclude with a prayer reciting the definite object. A petition has to be signed by the petitioner (s) and set out the full name and address of every signatory to the petition. Letters, affidavits or other documents are not to be attached to any petition. Petitions may be presented by member(s) or be forwarded to the Secretary-General. Every petition is, after presentation, referred to the Committee on Petitions.

At the commencement of Lok Sabha, or from time to time, as the case may be, the Speaker nominates a Committee on Petitions. The term of office of the Committee is one year from the beginning of June till the end of May in the following year. The Committee consists of not less than 15 members, nominated in proportion to the strength of the parties and groups in the House, so as to make it representative of all shades of opinion in the House.

The Committee on Petitions examines petitions on Bills and on matters of general public interest and also entertains representations

on matters concerning subjects involving Government of India's responsibility.

BUDGET IN PARLIAMENT

The Budget: In our parliamentary system, control over both taxation and expenditure lies with the Legislature but the right to initiate spending proposals vests in the Government. Thus, under Articles 114, 204 and 265 of our Constitution, levying taxes and authorising expenditure are the prerogatives of Parliament while the initiative in regard to spending proposals rests with the Executive. Parliament can examine and criticise the estimates and has the power to reduce any demand for grant, but it may not increase the estimates.

The Annual Financial Statement laid before both the Houses of Parliament embodies the estimated receipts and expenditure of the Government of India in respect of the ensuing financial year. The estimates of expenditure are split up into what are called "Demands for Grants" which are arranged Ministry-wise. Under each Demand the estimates are subdivided according to the categories of expenditure included in the Demand.

The Budget is presented to Lok Sabha on such day as the Presiden directs. By convention, the General Budget is presented on the last working day of February[1] each year at 17.00 hours.[2] The Budget speech of the Finance Minister is in two parts, one part dealing with general economic and financial situation in the country and the other relating to taxation proposals. Simultaneously, a copy of the respective Budget is laid on the Table of Rajya Sabha.[3]

The Railway Budget is presented by the Railway Minister sometime in the third week of February[4] usually after the Question Hour.

The Budget is discussed in two stages in Lok Sabha. First, there is the general discussion when only the broad outlines of the Budget and the principles and policies underlying it are discussed. Discussion and voting on the Demands for Grants of individual Ministries are taken up thereafter. The Ministries which are to be discussed on priority basis are selected by the Business Advisory Committee each year.

However, demands for some Ministries are not reached for discussion due to paucity of time. These are 'guillotined' which means that on the last of the allotted days the Speaker puts every question necessary to dispose of all outstanding matters in connection with Demands for Grants. To get over this situation, a proposal for the setting up of a system of budget committees for in-depth pre-voting scrutiny of the Demands for Grants for all the Ministries and Departments is under consideration, of the Rules Committee.

Lok Sabha has the power to assent to, or refuse to give assent to, any Demand or even to reduce the amount of any grant sought by

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1 If on the last working day of February the House is not scheduled to meet, the House is summoned to meet specifically at 5 p.m. on that day for presentation of the Genral Budget. If the day so fixed for presentation of the Budget is subsequently declared a public holiday, no change in the date of presentation is made—L.S. Deb., 25.2.1960, c.230. According to the provisional calendar of sittings for the Eighth Session of the Eighth Lok Sabha, no sitting of the House was fixed for Saturday, 28 February 1987, a closed holiday. However, on the request of Minister of Parliamentary Affairs, a sitting was specially fixed at 17.00 hours on that day for presentation of the General Budget for 1987-88. Accordingly, the General Budget was presented at 17.00 hrs. on 28 February, 1987—L.S. Deb., 28.2.1987, CA Bn. Pt. II, 10.2.1987, Para 1485.

In 1972, the General Budget was presented on 16 March as the session of the House commenced in March. In 1976, the General Budget was presented on 15 March. In 1977, the interim Budget was presented on 28 March at 12.55 hours and the final Budget on 17 June 1977. (Source: M.N. Kaul and S.L. Shakdher (eds.), *Practice and Procedure of Parliament*, P. 628)

In 1990, the General Budget was presented on 19 March 1990. In 1992, the General Budget was presented on Saturday 29 February, though it was otherwise a Parliamentary holiday.

2 On the day on which the General Budget is presented Lok Sabha normally adjourns for half-an-hour or so before presentation of the Budget. No other business can be taken up at the time fixed for presentation of the Budget—L.S. Deb., 29.2.1968, c. 827.

3 On 5 March 1975, the Minister of State for Finance apologised to Lok Sabha on account of presentation of the Gujarat Budget for 1975-76 in Rajya Sabha before its presentation to Lok Sabha and explained the circumstances under which it was done—L.S. Deb., 5.3.1975, cc. 258-62.

4 In 1957, 1962 and 1967 Railway and General Budgets were presented twice. In 1971, the Budgets were presented once in the First Session of the Fifth Lok Sabha on 23 and 24 March 1971, respectively, and again in the Second Session of the Fifth Lok Sabha on 24 and 28 May 1971, respectively. In 1977, the Budgets were presented once in the First Session on 28 March of the Seventh Lok Sabha, 1977, and again in the Second Session of the Sixth Lok Sabha on 11 and 17 June 1977, respectively. In 1990, the Railway Budget for the year 1990-91 was presented on 14 March, 1990.

Government. In Rajya Sabha, there is only a general discussion on the Budget. It does not vote on the Demands for Grants.

Vote on Account: As it is not possible for Lok Sabha to vote the Demands for Grants (General) before the financial year ends on 31 March, Parliament is asked in March every year to vote usually two months' supply, approximately one-sixth of the total estimated expenditure under various grants. This is done in order to keep the Government functioning pending the voting of the final supply and allow the House sufficient time to discuss the Demands in detail. This is called Vote on Account, which is passed after the general discussion on the Budget is over. Usually, it is treated as a formal matter and is passed without discussion.

Usually Vote on Account is taken for only two months, but when it becomes necessary, for example when the House is to be dissolved or a new House is constituted, Vote on Account may be taken for a longer period, say for about 3 to 5 months. In such a case, the Vote on Account may be allowed.

The Finance Bill: "Finance Bill" means a Bill ordinarily introduced every year to give effect to the financial proposals of the Government of India for the following financial year and includes a Bill to give effect to supplementary financial proposals for any period. Finance Bill is introduced immediately after the presentation of the Budget. The introduction of the Bill cannot be opposed. The Appropriation Bill and Finance Bills may be introduced without prior circulation of copies to members. Scope of discussion on the Finance Bill is vast and members can discuss any action of the Government of India. The whole administration comes under review.

Procedure in respect of the Finance Bill is the same as in the case of other Money Bills.

The Appropriation Bills: After the Demands for Grants have been passed by the House, a Bill to provide for the appropriation out of the Consolidated Fund of India of all moneys required to meet the grants and the expenditure charged on the Consolidated Fund of India is introduced, considered and passed. The introduction of such a Bill

cannot be opposed. The scope of discussion is limited to matters of public importance or administrative policy implied in the grants, covered by the Bill and which have not already been raised during the discussion on Demands for Grants. The Speaker may require members desiring to take part in the discussion to give advance intimation of the specific points they intend to raise and may withhold permission for raising such of the points as in his opinion appear to be repetition of the matters discussed on a demand for grant. Such advance intimation must be given before 10.00 hours on the day the Appropriation Bill is to be taken into consideration. No action is taken on intimations received after 10.00 hours.

No amendment can be proposed to an Appropriation Bill which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of India, and the decision of the Speaker as to whether such an amendment is admissible, is final. An amendment to an Appropriation Bill for omission of a demand already voted by the House is out of order.

In other respects, the procedure in respect of an Appropriation Bill is the same as in respect of other Money Bills.

Supplementary / Excess Grants: No expenditure in excess of the sum authorised in the Budget by Parliament can be incurred without its sanction. If the amount authorised to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some 'new service' not contemplated in the Budget for that year, the President causes to be laid before both the Houses of Parliament another statement showing the estimated amount of that expenditure. If any money has been spent on any service during a financial year in excess of the amount granted for the service for that year, the President causes to be presented to Lok Sabha a demand for such excess. All cases involving such excesses are brought to the notice of Parliament by the Comptroller and Auditor-General through his report on the Appropriation Accounts. The excesses are then examined by the

Public Accounts Committee which makes recommendations regarding their regularisation in its report to the House.

The Supplementary Demands for Grants are presented to and passed by the House before the end of the financial year while the demands for excess grants are made after the expenditure has actually been incurred and after the financial year to which it relates has expired. Copies of the Books of Demands for Supplementary or Excess Grants, received from the Ministry of Finance, are made available to members from the Publications Counter after the presentation of such demands.

Supplementary and Excess Grants are regulated by the same procedure as is applicable in the case of Demands for Grants of the main Budget subject to such adaptation, whether by way of modification, addition or omission, as the Speaker deems necessary or expedient.

The discussion on the Supplementary Demands for Grants is confined to the items constituting the same and no discussion can be raised on the original grants nor on the policy underlying them. In respect of schemes already sanctioned in the main Budget, no discussion on any question of principle or policy is allowed. As regards demands for which no sanction has been obtained, the question of policy has to be confined to the items of expenditure on which the vote of the House is sought. General grievances cannot be ventilated during discussion on a Supplementary Grant. A member can only point out whether the Supplementary Demand is necessary or not.

During discussion on Excess Demands for Grants, members can point out how money has been spent unnecessarily or that it ought not to have been spent : beyond this there is no scope for general discussion or for ventilation of grievances.

Cut motions to Supplementary or Excess Demands for Grants must relate to the subject matter of the Supplementary or Excess Demands. Cut motions which are extraneous to the subject matter of such demands are out of order.

PARLIAMENTARY COMMITTEES

The enormous range and complexity of administrative action of a modern government make it imperative that Parliament should have its own mechanism and means for adequate parliamentary surveillance of administration. Parliament seeks to ensure this, among other things, through the device of parliamentary committees. First, in Parliament of India, as in many other Parliaments, the work done is not only varied in nature, but considerable in volume. Since the time at the disposal of the House is limited, it cannot give close consideration to all the legislative and other matters that come up before it. Secondly, review of administrative actions and scrutiny of numerous and complicated legislative proposals, subordinate legislation, etc., are hardly possible on the floor of the House. Thirdly, the Committee atmosphere is more suited for any in-depth and, so far as possible, non-partisan examination of matters away from the glare of publicity. Accommodation of differing points of view and compromises through give and take, etc., are easily achieved in Committees.

A good deal of the business of Parliament is actually transacted in the Committees. Both Houses of Parliament have a similar Committee structure, with a few exceptions. Their appointment, terms of office, functions and procedure for conducting the business, are also, more or less, similar and are regulated under the provisions of the Rules made by the two Houses under Article 119(1) of the Constitution.

In Lok Sabha, a parliamentary Committee is defined as the one that (i) is appointed or elected by the House or nominated by the Speaker, (ii) is working under the Speaker's directions, (iii) presents its report to the House or the Speaker and (iv) has its Secretariat provided by Lok Sabha Secretariat. Broadly, Parliamentary Committees are of two kinds—Standing Committees and *ad-hoc* Committees. The former are elected or appointed every year or periodically and their work goes on, more or less, on a continuous basis. The latter are appointed on an *ad-hoc* basis as need arises, and they cease to exist, as soon as they complete the task assigned to them and submit their reports.

Standing Committees: Among the Standing Committees are the

three Financial Committees—Committees on Estimates, Public Accounts and Public Undertakings. These three financial Committees constitute by far the most potent parliamentary mechanism for effective financial accountability of administration and legislative oversight. Besides, three Subject Committees, namely, the Committee on Agriculture, Environment and Forests and Science and Technology were set up in the Eighth Lok Sabha to ensure greater administrative accountability to Parliament and enable better parliamentary scrutiny of the demands for grants as well as working of the concerned Ministries.

Estimates Committee: The Estimates Committee consists of 30 members elected by Lok Sabha. It examines the estimates of the various Ministries/Departments of Government of India and suggests any economies and improvements in organisation and efficiency consistent with the policy underlying the estimates. The Committee may also suggest alternative policies in order to bring about efficiency and economy in administration. The Committee inquires into any scheme, or other activity undertaken by the Union Government involving expenditure from the Consolidated Fund of India. The Committee has, therefore, become an effective instrument of inquiry into the functioning of the Government of India.

Public Accounts Committee: The Public Accounts Committee, set up initially in 1921, consists of 22 members from both Houses—15 elected by Lok Sabha and 7 Rajya Sabha. The Committee scrutinises the expenditure of the Government to see whether the moneys voted by Parliament were directed by the Government to the intended purposes and spent prudently and economically. The PAC has an important advantage in that it has fully verified data in the Audit Reports of the Comptroller and Auditor-General on various Departments and Ministries of the Government. The assistance of the C. & AG greatly facilitates the Committee's task. Commencing from the Fourth Lok Sabha, a practice has been evolved to appoint a member from the opposition party/group as the Chairman of this Committee.

Public Undertakings Committee: The Committee on Public Under-

takings now composed of 22 members, 15 from Lok Sabha and 7 from Rajya Sabha, was first constituted in 1964. It examines in the context of the autonomy and efficiency of public undertakings, whether the affairs of the undertakings are being managed with efficiency so as to achieve their underlying objective. The task of the Committee has been greatly facilitated since 1969 by the setting up of the Audit Board whose reports contain factually verified data on the working of the undertakings.

Subject Committees: The ambit of work of the Subject Committees is detailed and comprehensive. They will examine such of the activities of the concerned Ministries as may seem fit to them. These Committees function on a continuous basis while keeping a close watch on the issues concerning the working and functioning of all the Ministries concerned with the Subjects covered by the three Committees. They undertake a concurrent scrutiny of the functioning and activities of the Ministries/Departments with which they are concerned and take up for fuller examination subjects of topical interest as they arise after detailed staff studies. Functioning more or less on the pattern of the Estimates Committee, the new Subject Committees may ensure that overlapping with other Committees, particularly the Estimates Committee and the Committee on Public Undertakings, is avoided. Differences, if any, between the new Committees and the existing Committees are settled by discussion between the Committee Chairmen concerned or referred to the Speaker for his decision who may like to place the matter before the Rules Committee or the General Purposes Committee as he deems fit.

Other Standing Committees are:

(i) Committees to inquire: The Committee on Petitions and the Committee of Privileges.

(ii) Committees to scrutinise: The Committee on Government Assurances; the Committee on Subordinate Legislation; and the Committee on Papers laid on the Table.

(iii) Committees relating to the day-to-day business of the House : The Business Advisory Committee; the Committee on Private Members' Bills and Resolutions; the Rules Committee and the

Committee on Absence of Members from the sittings of the House, Lok Sabha.

(iv) The Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

(v) Committees concerned with the provision of facilities to members : The General Purposes Committee; and the House Committee.

(vi) The Joint Committee on Salaries and Allowances of Members of Parliament.

(vii) The Joint Committee on Offices of Profit, and

(viii) The Library Committee.

Ad-hoc Committees: Such Committees may be broadly classified under two heads:

(a) Committees which are constituted from time to time, either by the two Houses on a motion adopted in that behalf or by the Speaker/Chairman to inquire into and report on specific subjects, and

(b) The Select or Joint Committees on Bills which are appointed to consider and report on particular Bills.

These Committees are distinguishable from the other *ad-hoc* Committees inasmuch as they are concerned with Bills and the procedure to be followed by them is laid down in the Rules of Procedure and the Directions by the Speaker/Chairman.

PARLIAMENTARY PRIVILEGES

The term 'Privilege' refers to certain rights and immunities enjoyed by each House of Parliament and its Committees collectively, and by the members of each House individually without which they cannot discharge their functions efficiently and effectively. The object of Parliamentary privilege is to safeguard the freedom, the authority and the dignity of Parliament and to ensure that its Houses, Committees and members can function freely, without any obstruction,

hindrance or interference. Parliamentary privileges are extended to individual members because the House or its Committees cannot perform their functions without unimpeded use of services of its members. But, privileges exist only insofar as they are necessary for discharge of parliamentary duties; they do not place members above other citizens in the eyes of law nor do they exempt members from obligations which apply to other citizens.

A question of privilege may be raised in the House only after obtaining the consent of the Speaker. A member who wishes to raise a question of privilege is, therefore, required to give notice in writing to the Secretary-General, before the commencement of the sitting on the day the question is proposed to be raised. On receipt of the notice, the matter is considered by the Speaker who may either give or withhold his consent to the raising of the question of privilege in the House. The member concerned is then informed of the Speaker's decision.

After the Speaker has given consent to the raising of a matter in the House as a question of privilege, the member who tabled the notice has to ask for leave of the House to raise the question of privilege. When called by the Speaker, the member concerned is permitted to make only a short statement relevant to the question of privilege. If objection to leave being granted is taken, the Speaker requests those members who are in favour of leave being granted to rise in their places. If twenty-five or more members rise accordingly, the House is deemed to have granted leave to raise the matter and the Speaker declares that leave is granted, otherwise the Speaker informs the member that he does not have leave of the House to raise the matter.

After leave is granted by the House for raising a question of privilege, the matter may either be considered and decided by the House itself, or it may be referred to by the House, on a motion made by any member, to the Committee of Privileges for examination, investigation and report. The usual practice is to refer the matter of complaint to the Committee of Privileges, and the House defers its judgement until the report of the Committee has been presented. Ultimately, the question whether a matter complained of is actually a breach of privilege or contempt of the House is entirely for the House

to decide, as the House alone is the master of its privileges.

The Committee of Privileges: At the commencement of a new Lok Sabha and thereafter from time to time, the Speaker nominates the Committee of Privileges consisting of not more than fifteen members. Usually, the Committee is reconstituted each year along with other parliamentary committees of Lok Sabha. In constituting the Committee, the Speaker takes into consideration the claims, interests and the strength of various parties and groups in the House so that the Committee is fully representative. The Minister of Parliamentary Affairs and the Minister of Law are generally included in the Committee. The Deputy Speaker, when a member of the Committee, functions as the Chairman of the Committee.

It is the duty of the Committee to examine every question of privilege referred to it, determine with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it, and make such recommendations as it may deem fit.

Legislative Privileges and Courts: The courts of law in India have recognised that a House of Parliament or a State Legislature is the sole authority to judge as to whether or not there has been a breach of privilege in a particular case. As regards exclusive control of either House over its internal proceedings, Article 105(2) specifically bars the jurisdiction of courts of law in respect of anything said or any vote given by a member in Parliament or any Committee thereof.

When some members of the House were given notice to appear before the Supreme Court either in person or by an advocate, a question of privilege was raised. The members concerned were directed by the Speaker to ignore the notice and the Attorney-General was asked to bring to the notice of the Court that "What is contained in the case is something which is covered by Article 105 of the Constitution". On some observations having been made by the Court with regard to the stand taken by the House inasmuch as the members had not been served with a "summons" but only a 'notice of lodgement' had been sent to them, the matter was again

discussed in the House. Thereupon, the Speaker ruled:

> Whether the Court issues a summons or a notice does not make any difference to us. Ultimately, the privileges of the House are involved when members are asked to defend themselves for what they said in the House.

When one of the members who had been served with the notice of lodgement of appeal by the Supreme Court expressed a desire to go and defend himself in the Court, the Speaker observed:

> ..... If Mr. Salve appears before the Court, fully knowing Article 105, I think we will have to bring a privilege motion against him.[1]

Similarly, when summons was received from the Court, requiring the Chairman, Public Accounts Committee, to appear before the Court to answer all material questions to certain observations made in the 71st Report of the Committee(5th LS), the Speaker observed that 'As had been the practice of the House, he was asking the Chairman of the Committee to ignore the summons and not to put in any appearance in the Court. However, he was passing on the relevant papers to the Minister of Law for taking such action as he might deem fit to apprise the Court of the correct constitutional position in this regard.'[2]

SERVICING OF PARLIAMENT

The Secretary-General: Each House of Parliament has a Secretariat of its own headed by the Secretary-General. The Secretary-General performs a dual role. He is appointed as the Secretary-General, Lok Sabha and as the Secretary-General, Lok Sabha Secretariat. In the former capacity, the Secretary-General is the Chief Adviser of the Speaker, the House, the Committees and the members. He is an officer of the House along with the Speaker and the Deputy Speaker and is

1 L.S. Deb. 22.4.1970 cc. 235,–59.

2 *Ibid.*, 1.8.1975, cc. 4–5.

charged with certain specific functions and responsibilities under the Rules of Procedure and Conduct of Business in Lok Sabha. In the latter capacity, the Secretary-General is the head of Lok Sabha Secretariat and works under the overall control of the Speaker. The position of the Secretary-General in Rajya Sabha is similar.

The Secretary-General is a permanent officer of the Secretariat of the House and a continuing link in the changing composition of succeeding Houses. He is chosen and appointed by the Speaker usually after informal consultation with the Leader of the House and the Leaders of larger Opposition parties/groups. He is the repository of the accumulated wisdom of the culture, traditions and precedents of the House.

He is unconnected with politics and so is impervious to any kind of external pressure or political influence. In order that he may perform his duties with zeal in the public interest, sufficient safeguards are provided to give him security of service and independence. He is answerable only to the Speaker and his action cannot be discussed either inside or outside the House.

The Secretary-General is the adviser to the Speaker in the matter of exercise of all the powers and functions that belong to the Speaker, and to the House through the Speaker. He occupies a seat just below the desk of the Speaker in the pit of Lok Sabha Chamber during the sittings of Lok Sabha. Even when not physically present in the House at any given moment, he is always close by and constantly available for consultation. In the course of the discussion, the Speaker on many an occasion has to take a decision and given his ruling in cases involving interpretation of the Rules or precedents, and the advice offered and the opinions expressed by the Secretary-General in that behalf are of considerable importance. When some doubt has to be resolved or a Rule has to be interpreted, the Secretary-General, with his experience and knowledge of parliamentary precedents, etc., is able to suggest to the Speaker the most appropriate solution, according to the best of his capacity. It is, however, entirely up to the Speaker to accept or reject the advice given by the Secretary-General and once a decision is taken and/or ruling given, the Speaker takes full responsibility for the same.

Some of the parliamentary duties of the Secretary-General are laid down in the Rules of Procedure and Conduct of Business in Lok Sabha but many others are performed by practice and convention. The first business of the Secretary-General is to issue, on behalf of the President, a summons to each member to attend a session of the House. The Secretary-General keeps a Roll of Members of the House which must be signed, in his presence, by every newly-elected member before taking his seat. He sends to every member notice of the date for the election of the Speaker and the Deputy Speaker, the date in the former case is fixed by the President and in the latter by the Speaker. He receives notices in writing which any member may give proposing names for these offices.

The Secretary-General is responsible for arrangement of Government business in such order as the Speaker may, after consultation with the Leader of the House, determine, and for the preparation of a List of Business for the House for each day of the session. Every notice required by the Rules has to be given by members to the Secretary-General, *e.g.*, notices of questions, motions, resolutions, questions of privilege, adjournment motions, matters of urgent public importance for short duration discussions, etc. The Secretary-General circulates to each member a copy of every list of business, bulletin, list of amendments, notice or other paper which is required by the Rules to be made available for the use of members.

The Secretary-General receives petitions, documents and papers addressed to or intended for the House. Communications from Ministers and suggestions, memoranda and representations, etc., from individuals or associations in respect of matters pending before a parliamentary committee are also addressed to the Secretary-General. He issues passes for admission of visitors to the galleries. He causes to be prepared minutes, summaries and verbatim record of the proceedings of the House at each of its sittings and have them printed. He has the custody of all records, documents and papers of the House, its Committees and its Secretariat, and does not permit any such paper to be taken out from Parliament House without the permission of the Speaker..

Any message from Lok Sabha to be communicated to Rajya Sabha

is signed by the Secretary-General. On receipt of any message from Rajya Sabha he reports it to the House if it is in session and forwards it to each member if the House is not in session. All Bills to be transmitted or returned to Rajya Sabha are certified by the Secretary-General. In case of urgency, he also authenticates Bills, in the absence of the Speaker, before these are presented to the President for assent.

In his capacity as the administrative head of the Secretariat, the Secretary-General exercises the powers vested in the Speaker, including the determination of strength, method of recruitment and prescription of qualifications, etc., for the various categories of posts. He is the appointing, punishing and appellate authority for certain classes of officers. The rules of conduct of descipline and control over the officers and staff of the Secretariat are enforced by the Secretary-General. He also exercises financial powers and initiates Budget proposals relating to Lok Sabha and the Secretariat. The Secretary-General is the accounting officer for the money sanctioned by the House for expenditure under the Demands for Grants of Lok Sabha and the Lok Sabha Secretariat.

In order that the parliamentary system functions effectively and to keep the members of both the Houses fully informed of the day- to-day developments in India and abroad, an up-to-date, well- equipped and efficient Library and Reference, Research, Documentation and Information Service functions under the overall supervision and guidance of the Secretary-General, Lok Sabha. Similarly, in order to provide necessary opportunities of training, orientation and study in parliamentary institutions and procedures, a Bureau of Parliamentary Studies and Training also works under the overall control and guidance of the Secretary-General, Lok Sabha.

The Secretary-General of Lok Sabha is *ex-officio* Secretary-General of the Indian Parliamentary Group. The Conference and Protocol Division which serves members of both the Houses also functions under the control of the Secretary-General, Lok Sabha.

The prescribed age of superannuation for Secretary-General is 58 years. Table 12 gives the tenure of successive Secretaries/ Secretaries-General, Lok Sabha.

Table 12: Successive Heads of the Lok Sabha Secretariat

S. No.	Names of the Successive Secretaries-General	Designation	Tenure	
			From	To
1.	Shri M.N. Kaul	Secretary	24.7.1947	1.9.1964
2.	Shri S.L. Shakdher	Secretary	1.9.1964	12.11.1973
		Secretary-General	12.11.1973	18.6.1977
3.	Shri Avtar Singh Rikhy	Secretary	18.6.1977	21.12.1983
		Secretary-General	22.12.1983	31.12.1983
4.	Dr. Subhash C. Kashyap	Secretary-General	31.12.1983	20.8.1990
5.	Shri K.C. Rastogi	Secretary-General	10.9.1990	31.12.1991
6.	Shri C.K. Jain	Secretary-General	1.1.1992	till date

The Secretariat: The Constitution provides for a separate Secretariat for each House. The story of a separate Legislature Secretariat independent of the executive government goes back to some sixty years. In August 1925 when Shri Vithalbhai Patel was elected Speaker (President), he along with several other members of the House, felt that the independence of the elected Speaker was prejudicially affected by the Secretary of the Assembly being the Secretary of the Legislative Department under the Government of India. Soon after he assumed charge of his office, Speaker Patel convened a Presiding Officers' Conference in January, 1926, which passed a resolution advocating the creation of a separate office for the Legislative Assembly, independent of and unconnected with the Government. The matter was immediately referred to the Government for consideration and action. As the Government did not take any action in the matter for more than a year, Shri Patel, on his re-election as Speaker, presented to the Government a scheme on 17 August 1927, embodying concrete proposals for setting up a separate department or office for the Legislative Assembly. The Government of India forwarded this scheme to the Secretary of State for India but he did not accept the views of Speaker Patel in certain matters which the latter considered vital. The Speaker, therefore, submitted his proposal for consideration direct to the House and made the emphatic declaration that "As an elected President (Speaker) I am responsible to the Assembly and to no other authority." On 22 September 1928, Pandit Motilal Nehru

moved a resolution in the House that a separate Assembly Department be constituted. The resolution was adopted unanimously.

Under the provisions of the Indian Independence Act, 1947, the legislative functions of the Central Legislature were taken over by the Constituent Assembly of India. There was, however, no change in the nomenclature of the Legislative Assembly Department which later became the Secretariat of the Constituent Assembly (Legislative). With the coming into force of the Constitution and the creation of Provisional Parliament on 26 January 1950, the name of the Department was changed to "Parliament Secretariat".

When the Council of States and the House of the People were constituted as the two Houses of Parliament, in 1952, the 'Parliament Secretariat' became the Secretariat of the House of the People and retained its nomenclature. A separate Council of States Secretariat was set up. The erstwhile Parliament Secretariat was renamed as 'Lok Sabha Secretariat' by an announcement made by Speaker Mavalankar in the House on 13 May 1954. Simultaneously, the Chairman announced the renaming of the Council of States Secretariat as 'Rajya Sabha Secretariat'.

The work of the two Secretariats may be divided under the following broad heads on a functional basis:

1. Legislation and other work connected with the Business of the House
2. Parliamentary Committees
3. Works, general administration, establishment and personnel
4. Parliament Library, Reference, Research, Documentation and Information
5. Verbatim Reporting, Secretarial and Stenographic Service
6. Simultaneous Interpretation Service
7. Editorial and Translation
8. Printing, Publications and Sales
9. Stationery, Stores, Distribution and Records
10. Conferences and Protocol

11. Security and Sanitation

The Secretariats of Lok Sabha and Rajya Sabha have been housed in a separate building known as Parliament House Annexe, although some of the Branches closely connected with the business of the House are still operating from the main building of Parliament House.

Larrdis

Over the past four decades, the Library as well as Research and Reference Service for members have gradually developed into what is now known as the integrated Parliament Library and Reference, Research, Documentation and Information Service, more familiar by its acronym LARRDIS. The present set-up and nomenclature is the result of major functional reorganisation of the Secretariats of the two Houses of Parliament brought about during 1974-1975. LARRDIS though administratively under Lok Sabha Secretariat, caters to all the information requirements of members of both Houses of Parliament—Lok Sabha and Rajya Sabha. With the strength of nearly 200 researchers, professional and secretarial staff, LARRDIS is housed in Parliament building itself.

As its name suggests, LARRDIS today functionally provides Library, Reference, Research, Documentation and Information services to the members of Parliament.

Library Service

Indian Parliament has been conscious of the vital information requirements of its members right from the beginning. The seeds of the present-day Parliament Library were sown as early as in 1921 during the Central Legislative Assembly days. It is thus just over seventy years old as compared to the US Congress Library which is almost 200 years old and the British House of Commons Library, over 170 years. Though small in size initially, it was set-up with the express purpose of providing information to the members of the Central Legislative Assembly. Up to the independence of the country, there

was a slow but steady increase in the collection of the Library. However, immediately after independence, with the Constituent Assembly involved in the drafting of the Constitution, there was a considerable growth in its collections.

Since 1950, there has been a systematic expansion of Parliament Library's collection, both quantitatively and qualitatively. A humble beginning was also made by setting up a Members' Reference Service within the newly set up Research and Reference Branch which initially functioned independent of Parliament Library. Faced with the increasing demands of a nascent democracy, concerted efforts were made during the period 1950-1955 to further consolidate the Library by increasing the purchase of books and entering into exchange arrangements with various institutions and organisations in India and abroad. Soon, our Parliament Library became a repository Library for the publications of UN and its all allied agencies and also started receiving the official papers from various countries. This expansion, necessitated the reorganisation of the Library in subsequent years—first in 1956 then 1966 and again in December 1974, with a view to further strengthening the various services extended to members.

Parliament Library presently has holdings of about one million volume of books, debates of Indian Parliament. State Legislatures of India and foreign Parliaments, reports of Central and State Governments and United Nations and its Agencies, Gazettes of Central and State Governments and other documents, including periodicals and publications brought out by Lok Sabha Secretariat. With a budget of Rs. 1.2 million it is one of the finest and richest repositories in the country. Presently, it receives 195 newspapers from different parts of the country and the world. Of these, 181 newspapers are from India itself. There are 35 English dailies, 40 in Hindi and 106 in different regional languages of India. Foreign newspapers are received from UK USA, Pakistan, China, Singapore, Sri Lanka, Indonesia, Afghanistan, Malaysia and Nepal. Parliament Library also receives regularly 842 periodicals—579 published in India and 263 from abroad. Of the 263 foreign periodicals, the UN and its Agencies account for 59 and the rest are from different countries. As for the 579

Indian periodicals, 403 are in English, 94 in Hindi and the rest 82 in various regional languages.

Parliament Library has extensive exchange arrangements with 124 governmental and non-governmental institutions in India and 73 institutions abroad which supply their publications in exchange for publications brought out by Lok Sabha Secretariat. It is also a depository Library for all unrestricted publications of the United Nations and its allied agencies.

All Ministries and Departments of the Government of India including their attached and subordinate offices also supply copies of their publications, reports, etc., to Parliament Library. Copies of the Gazettes, Budgets and reports published by State Governments are also received and added to the holdings of the Parliament Library. With a view to keeping the members apprised of the latest additions to the Library the Library Division brings out regularly a monthly publication called *Parliament Library Bulletin*.

As a mark of respect to the memory of Mahatma Gandhi the Father of the Nation, and to make available all the works by and on the Mahatma at one place, there is a separate section called *Gandhiana*. The section contains about 1665 books in Hindi, English and several other Indian regional languages. Similarly, Parliament Library also has a separate section, exclusively devoted to the first Prime Minister and architect of modern India, Jawaharlal Nehru, which contains books on and by Nehru, all located at one place.

Parliament Library has also laid emphasis on developing its Indian Regional Languages collections. A separate wing containing 54000 holdings in various Indian languages has been carved out in the Library.

Library Committee

A Library Committee is constituted every year by the Speaker, Lok Sabha, to advise him on all matters concerning the development of the Parliament Library. The Committee consists of six members from Lok Sabha and three from Rajya Sabha, nominated by the Presiding

Officers of the respective Houses. The Deputy Speaker of Lok Sabha is the *ex-officio* Chairman of the Library Committee.

Computerised Information Service

Information handling has essentially three aspects: collection, storing and retrieval. As the quantum of knowledge grows, the number of information records also correspondingly increases. Handling of this vast magnitude of information with conventional manual methods, is a very complex activity. In modern times, information scientists have embarked upon the development of a new information technology. Today, all around the world, computers are being used in Library housekeeping functions like acquisition, cataloguing, circulation control, serials control, information storage, retrieval, content analysis and dissemination.

For the purpose of introducing automation in Parliament Library, the computer-based information retrieval system named PARLIS (Parliament Library Information System) was started in December 1985 with the help of the National Informatics Centre (NIC).

PARLIS was designed within the Library for the benefit of Members of Parliament. It is a database of subject indexed references to Parliamentary information. The database is created by the Library's Computer Centre. The data so far stored for on-line retrieval relates to subject index references of select questions and answers and various other kinds of business, including Government and Private Members' Bills in Lok Sabha and Rajya Sabha from 1985 onwards; discussions in the Constituent Assembly on different Articles and Schedules of the Constitution of India; decisions and observations from the Chair from 1952; the reports of the Parliamentary Committees such as the Public Accounts Committee, Estimates Committee, Public Undertakings Committee, etc.; the profiles of members of the Eighth, Ninth and Tenth Lok Sabhas and of Rajya Sabha from 1986 onwards; the socio-economic background of members of First to Tenth Lok Sabhas; details of Presidential and Vice-Presidential elections from 1952 onwards discussions on Five-Year Plans in Lok Sabha and Rajya Sabha from 1951; Council of Ministers—Ministry-wise and

name-wise from 1947, etc. Also available for on-line retrieval are some of the statistical data on different areas of economy such as the country's Growth Rate, its Foreign Trade, Plan Outlays for Public Sector, Per Capita Net Domestic Product, Per Capita Plan Outlay, Fertiliser Production, Imports and Consumption, Number of Job Seekers registered with Employment Exchanges, Power Generation, Performance of Railways, etc.

Microfilming Unit

Parliament Library has a large collection of old debates, magazines, reports and other rare publications. With a view to preserving them for reference over a long period, a full- fledged Microfilming Unit was set up in Parliament Library in 1988. The Unit is at present equipped with most modern microfilmers, cameras, processors, duplicators and microfilm readers-cum-printers. There is also a Computer Assisted Retrieval (CAR) system for the retrieval of microfilmed documents. Over six lakh documents have already been microfilmed by the Unit since its inception. Duplicate copies of the microfilm rolls of debates of Central Legislative Assembly, Council of States, Constituent Assembly, Lok Sabha and Rajya Sabha are now kept in the Library (Ground Floor) for viewing on the microfilm reader by members.

Audio-Visual Unit

Computers, films, videos, etc., are increasingly becoming normal elements of our Library culture and their products contribute to our knowledge and general worldview. Video News Magazines covering important national and international events in different areas of politics, economics, law, etc., are brought out regularly by various organisations and agencies. Taking into consideration the information value of such audio-visual magazines, Parliament Library has set up during the beginning of this year, an Audio-Visual Unit for use and reference by members of Parliament. Language learning courses also form an integral part of the audio-visual collection.

Telecasting of parliamentary proceedings has become a reality now

in our country with the *Doordarshan* bringing various parliamentary activities such as President's Address to Members of both the Houses of Parliament, presentation of General Budget and Railway Budget, Question Hour, discussion on Demands for Grants of various Ministries, etc., to the millions of households through the small screen. Keeping in view the archival value of these recordings for future parliamentarians, the Press, scholars and academics we have decided to keep a video copy of each of these proceedings in our Audio-Visual Unit. There are also proposals to acquire video copies of the proceedings of Parliaments of other countries too in exchange for the cassettes produced by us.

Members' Reference Service

This is perhaps one Service which is the most sought-after by members, especially during session days. It supplies, on demand, factual and objective information to Members of Parliament, Presiding Officers and Committees on various subjects. The Service is manned by Reference Officers who attend to members' reference broadly on the subject areas allotted to them.

While the Officers and Staff of the Reference Service are hard pressed for timely disposal of references especially when Parliament is in session, they get some breathing time during the inter-session days. This time is devoted on the preparation of Background Notes, Information Bulletins and Fact-Sheets on subjects of contemporary interest and on topics which are likely to come up for legislation or discussion through other devices during the forthcoming session. This reference work is done in anticipation of the reference requirement of the members of the two Houses and becomes very handy and useful for the members.

There is also a system of making Study Boxes on subjects of topical interest. Each of these boxes contain the relevant literature such as books, reports and articles, etc. These boxes are placed in the Members' Reading Room in Parliament Library for reference and consultation by members at their convenience.

Documentation Service

One of the principle adjuncts of a Library is the Documentation Service. In Parliament Library, it was started in 1975. It indexes and prepares annotations of important books, reports and articles appearing in newspapers and periodicals received in Parliament Library. The indexes and annotations prepared during a particular fortnight are classified and published in the form of an indexing periodical entitled *Parliamentary Documentation*. These are also fed into the computer to facilitate searches. This database, which is retrievable author-wise and subject-wise, serves as an invaluable aid for future research and reference activity. It also enables preparation of select documentation lists for use and reference of members.

Press Clipping Service

The Press Clipping Service was started on a modest scale in the year 1956 with the limited objective of speedy disposal of references from members on current subject. The scope of the service has considerably increased over the years and accordingly it is now organised more methodically to serve as an essential reference work. All important news and views, which include editorial comments and articles from nine Hindi and nineteen English dailies are clipped and maintained in separate folders in accordance with a specially devised classification scheme. Press Information Bureau (PIB) releases, daily digest of news and views on matters of topical interest, etc., are also scrutinised for clipping purposes. Besides the Service maintains up-to-date sets of the releases of the Indian News and Feature Alliance (INFA). Weeding out operation is regularly carried out to release stacking space for more recent additions of news items. Important clippings of lasting value and interest, particularly, those having a bearing on constitutional, parliamentary and legal subjects are, however, retained permanently.

Reprography Service

The Reprography Unit which was set up in the year 1975, meets the

urgent requirements of members for photocopying of important press clippings, parliamentary questions'and answers, articles from periodicals and newspapers and extracts from books and other documents. The Unit, at present, is equipped with four xeroxing machines. Two separate photocopying machines have also been installed in a lounge of the Central Hall of Parliament House where members can get a photocopy of any document they want at a nominal rate.

Research And Information Service

The Research and Information Division regularly brings out books, monographs, brochures, backgrounders, etc., on matters of parliamentary interest, including prospective legislative measures which are likely to generate demands from members. The Division is organised into the following six functional wings (i) Parliamentary Affairs Wing; (ii) Practice and Procedure Unit; (iii) Journal Section; (iv) Political Affairs Wing; (v) Economic and Financial Affairs Wing and (vi) Educational, Scientific and Social Affairs Wing.

Research Notes are also prepared in the Research and Information Division for use at the Seminars held alongside the annual Conferences of Presiding Officers of Legislative Bodies in India and also other conferences and symposia organised by the Indian Parliamentary Group (IPG) and the Bureau of Parliamentary Studies and Training (BPST).

For the use of Indian Parliamentary Delegations going abroad on goodwill visits and for participating in international Parliamentary Conferences held under the auspices of the Inter-Parliamentary Union and the Commonwealth Parliamentary Association. Briefs and Country Notes are also prepared in this Division.

Monographs

Monographs on subjects relating to Parliament and its functioning have also been published from time to time. With a view to reviving the memory of our eminent parliamentarians who played a distinguished rule in the country's freedom struggle and who contributed

so much to the building of modern India and its parliamentary system, a new monograph series titled "Eminent Parliamentaries monograph Series" was started in 1990. These Monographs generally contain the life-sketches of the eminent parliamentarians and select speeches made by them in Lok Sabha and Rajya Sabha and in the Constituent Assembly. In some cases, articles on the dignitary by parliamentarians and other distinguished personalities from different walks of life are also included. A new Monograph Series called 'Distinguished Parliamentarians' Felicitation Series' has also been started recently. The first monograph in the Series was on Shri R. Venkataraman, the Eighth President of India.

Periodicals

For the use of members, the Research and Information Division also publishes eight periodicals. *The Journal of Parliamentary Information* is a Quarterly which contains practice and problem-oriented articles on constitutional and parliamentary subjects from Members of Parliament and other experts in the field. It also serves as an authentic recorder of developments in practice and procedure and parliamentary events and activities in Indian and foreign Legislatures. *The Digest of Central Acts* is also a Quarterly containing synopsis of all Bills passed by Parliament and assented to by the President. *The Digest of Legislative and Constitutional Cases,* another Quarterly, contains abstracts of judgements of Supreme Court and the High Courts involving interpretation f the provisions of the Constitution and certain statutes in important legislative and constitutional cases. *The Abstracts of Books, Reports and Articles,* also a Quarterly, contains abstracts of important books received in Parliament Library and articles appearing in journals and leading newspapers, and synopsis of important official and foreign reports including those from the UN. *The Diary of Political Events* is a Monthly, containing a chronology of important news items and comments appearing in daily newspapers and replies to parliamentary questions about the performance of various public sector undertakings of the Union Government. *Science and Technology—News Digest,* a Monthly, contains

abstracts of important news items, latest books, reports, articles, replies to parliamentary questions and other literature on science and technology. *I.P.G. Newsletter* is a Quarterly publication which keeps members informed of the various parliamentary events and activities of the Indian Parliamentary Group, like exchange of Parliamentary Delegations, IPU, and CPA Conferences, meetings, seminars, symposia, etc.

Publication Unit

The unit coordinates all matters relating to the printing, sale, stock position and distribution of all the publications and periodicals brought out by LARRDIS from time to time. Besides, it looks after the job relating to the registration of Lok Sabha Secretariat periodicals with the Registrar of Newspapers of India.

Press and Public Relations Service

Parliament is essentially a people's institution and as such, its activities should get adequate coverage in the mass media so that the people are aware of the work of their elected representatives. The Press and Public Relations Wing attempts to bring Parliament and the Press together. All matters concerning the Press Gallery of Lok Sabha, are dealt with in this Wing. Press releases on all important matters connected with the sessions of Lok Sabha, meetings of the Parliamentary Committees and Conferences, visits of foreign Parliamentary Delegations to India and of Indian Delegations to foreign countries are also issued by this Wing.

Teleprinter Service

In order to keep members posted with the latest happenings in the country and abroad, particularly during the session of Parliament, teleprinter machines, fed by national news agencies, have been installed in Parliament House. Important news items received through these machines are collected, edited and displayed on ews display

boards located near the Ground Floor Library at regular intervals throughout the day.

Closed-Circuit Television System

Vital information pertaining to the on-going business in both the Houses of Parliament is displayed on the Closed-Circuit Television System (CCTV) at various places of Parliament House and Parliament House Annexe. CCTV Monitors have also been installed for the benefit of members in the rooms of Presiding Officers, Ministers, political parties, senior officers of the two Secretariats and also at various common areas like the Waiting Halls, Library Reading Hall and Refreshment Room. In the Central Hall, a large screen of the Hotline Projection Television has been installed to display prominently this information.

The Bureau of Parliamentary Studies and Training (BPST)

The Bureau of Parliamentary Studies and Training set up in January 1976, conducts Orientation Programmes for new members of Parliament and State Legislatures to provide them opportunities to discuss various aspects of parliamentary processes and procedures and familiarise themselves more closely with the operational mechanics of parliamentary institutios. These programmes, in short, aim at assisting such new members to face with greater confidence and ease the onerous tasks and challenges of their job and to become effective parliamentarians. The Bureau also organises, from time to time, Seminars on various topics of parliamentary interest to which, in addition to the sitting Members of Parliament, many former members, who are Associate Members of the Indian Parliamentary Group (IPG), and representatives from State Legislatures are also invited. These Seminars aim at promoting a deeper appreciation of the constitutional role and position of Parliament, State Legislatures and other representative institutions.

Apart from the programmes for legislators, the Bureau also organises training and refresher courses for officers of Parliament and

State Legislature Secretariats, holds Appreciation Courses for senior and middle-level officers of the Government of India, Probationers of All-India and Central Services and senior executives of Public Undertakings and extends guidance and assistance in the matter of organising model Parliaments for University students and other youths. It also looks after the foreign training, study visits and deputation of legislative officials from India and training in India of foreign legislative personel. Two of its international programmes, mainly for foreign participants, are the Parliamentary Internship Programme (PIP) and the Course in Legislative Drafting. On an average, the Bureau conducts over a hundred short and long courses and programmes each year.

Televising of Parliamentary Proceedings

For the first time in our Parliamentary history, on 20 December 1989, the President's Address to the Members of both the Houses of Parliament assembled together in the Central Hall, was telecast/broadcast live. Again the President's Address to the Parliament in the subsequent years was also telecast/broadcast live from the Central Hall.

With a view to taking the performance of the people's representatives to the people and thereby making them viewer-participants in our democratic process a beginning was made since the Winter Session of Parliament on 2 December 1991 in televising part of Parliamentary proceedings. This was well-received by the media and the people all over the country.

Convinced of its importance and encouraged by the public response to the initial phase of televising, it was decided by the General Purposes Committee of Parliament to continue with as also to expand the scope of telecasting. Accordingly, besides the President's Address, on 24 February 1992, the presentation of the Railway and General Budgets were televised live on 25 February 1992 and 29 February 1992 respectively. These too were very well received by all sections of people in the country. Further, important speeches of the Prime Minister, Leader of Opposition and other leaders of parties during the

discussion on Motion of Thanks to the President, General Debate on Budget and debates on Demands for Grants of some of the Ministries like Human Resource Development, Agriculture, Food, Rural Development, Civil Supplies and External Affairs were also televised during the Budget Session of the Parliament. It is also decided to telefilm all the important speeches in both the Houses of Parliament for archival use.

Parliamentary Museum and Archives Division

In 1976, Lok Sabha Secretariat set up a Parliamentary Archives of Photographs and Films to preserve an authentic, comprehensive, complete and up-to-date pictorial record of the history of the institution of Parliament, its activities and personalities. Since it was felt inadequate in view of the archival needs of the Parliament, a proposal for setting up a Parliamentary Museum and Archives was conceived and its broad outlines were approved by the General Purposes Committees of Lok Sabha on 1 August 1984.

The basic aim of Parliamentary Museum and Archives (PMA) is to preserve the past and the present for the future by protecting from the ravages of time and neglect all the precious records, historic documents and articles connected with the Constitution and Parliament and through them to make the history and growth of Parliamentary institutions and the political system better understood.

The Museum seeks to show with the help of models, charts, illustrations, objects, photographs and other visual techniques, the evolution and functioning of Parliamentary institutions in India and abroad. The Photo Archives, the nucleus of which already existed, is now expanding its collections by acquisition of objects of rare historical value in order to serve as a repository and the feeder unit for the Museum.

The Archives Wing plans to acquire and preserve the records connected with the framing of India's Constitution and with the growth and work of Parliamentary institutions, the private papers of eminent parliamentarians, irrespective of their political affiliations.

It would also provide for proper repair, renovation, conservation, cataloguing and storage of the rare documents and manuscripts under ideal conditions.

The Museum has been divided into three sections. Section one depicts the existence of democratic institutions in ancient India, growth and evolution of modern Parliamentary institutions, development of parliamentary institutions in post-independence period till date. Section two throws light on parliaments of the world by displaying photographs and models of various foreign parliaments. Gifts and presents received from foreign parliaments and dignitaries for parliament of India are also beautifully arranged in separate show-cases. Section three is about Legislatures in the States. In this section impressive scale models and photographs of Legislature buildings, and other objects including publications pertaining to them are displayed.

The portraits of distinguished Freedom Fighters and eminent parliamentarians which were unveiled in the Central Hall Parliament House, from time to time, adorn a separate Portrait Gallery in the Museum.

From time to time, the Museum and Archives Division, in cooperation with official agencies, organises for Members of Parliament and the general public, exhibitions on varying themes, mostly connected with the functioning and achievements of Parliament.

The Parliamentary Museum and Archives, formally inaugurated by the Hon'ble Speaker, Lok Sabha, Shri Rabi Ray, on 29 December 1989 is presently located at the First Floor of Parliament House Annexe.

INTER-PARLIAMENTARY RELATIONS

Indian Parliamentary Group

Origin and Membership: The Indian Parliamentary Group is an autonomous body formed in the year 1949 in pursuance of a motion adopted by the Constituent Assembly (Legislative) on 16 August

1948. Membership of the Indian Parliamentary Group is open to all Members of Parliament. The annual subscription for membership is Rs. 50/-. A Member of Parliament can become a life member of the Group on payment of a life subscription of Rs. 500/-. A Member of Parliament who is desirous of enrolling either as an annual member or as a life member can apply to the Secretary-General of Lok Sabha (who is the *ex-officio* Secretary-General of the Group) in the prescribed form alongwith the subscription. The forms are available in Parliamentary Notice Offices of Lok Sabha and Rajya Sabha as well as the Conference Branch of Lok Sabha Secretariat.

Aims and Objects: The aims and objects of the Indian Parliamentary Group are:

i) to promote personal contacts between Members of Parliament;

ii) to study questions of public importance that are likely to come up before Parliament and arrange seminars and discussions and study courses and bring out publications for the dissemination of information to the Members of the Indian Parliamentary Group.

iii) to arrange lectures on political, defence, economic, social and educational problems by Members of Parliament and distinguished persons; and

iv) to arrange visits to foreign countries with a view to develop contacts with Members of other Parliaments.

Organisation: The management and control of the affairs of the Group are vested in the Executive Committee consisting of the President, two Vice-Presidents, the Treasurer and 16 Members. The Speaker of Lok Sabha is the *ex-officio* President and the Secretary-General Lok Sabha the *ex- officio* Secretary-General of the Group and of its Executive Committee. The Deputy Chairman of Rajya Sabha and the Deputy Speaker of Lok Sabha are the *ex-officio* Vice-Presidents of the Group. The Treasurer and Members of the Executive Committee are elected at the Annual General Meeting from amongst the Ordinary and Life Members of the Group.

Activities: The Indian Parliamentary Group functions as the (a) National Group of the Inter-Parliamentary Union and (b) Main Branch of the Commonwealth Parliamentary Association in India. It acts as a link between the Parliament of India and the various Parliaments of the world. This link is maintained through exchange of delegations, goodwill missions, correspondence, documents, etc., with foreign Parliaments.

As per decision of the Executive Committee of the Indian Parliamentary Group, only those Members of Parliament who are Members of the Group of at least six months' standing at the time of the composition of the Delegation may be included in the Indian Parliamentary Delegations to foreign countries.

Members of the Group when visiting abroad are given letters of introduction to the Secretaries of the National Groups of the IPU and Secretaries of the CPA Branches. The Indian Missions in the countries of visit are also suitably informed so as to enable them to get assistance and usual courtesies.

Seminars and symposia on Parliamentary subjects of topical interest are organised periodically at national as well as international level. Addresses to Members of Parliament by the visiting Heads of States and Governments of foreign countries and talks by eminent persons are also arranged under the auspices of the Group.

The Indian Parliamentary Group brings out an informative newsletter—IPG Newsletter—since April 1986 (both in Hindi and English) on a regular basis. It is intended to meet the long-felt needs of members of the Group for an uninterrupted flow of information of interest to them. The Newsletter is brought out every year in April, July, October and January.

INTER-PARLIAMENTARY UNION

Origin and Aims: The origin of the Inter- Parliamentary Union dates back to 1889 when, on the initiative of Sir William Randal Cramer (UK) and Frederic Pasey (France), the first Inter-Parliamentary Conference for International Arbitration attended by delegates from nine

countries, met in Paris. The movement developed rapidly and, in 1894, a permanent organisation with its own Statutes and Secretariat was set up under the name of Inter-Parliamentary Union.

The Inter-Parliamentary Union through parliamentary dialogue works for peace and cooperation among people and for the firm establishment of representative institutions. The functions of IPU are: (a) to foster contact, coordination and the exchange of experience among Parliaments and parliamentarians of all countries; (b) to consider and express its views on international issues with a view to bringing about action by Parliaments and their members; (c) to contribute to the defence and promotion of human rights, universal in scope and respect for which is essential for Parliamentary Democracy and Development; (d) to contribute to better knowledge of the working of representative institutions and strengthening and development of their means of action.

The Union works in close collaboration with U.N. and supports its efforts. It also cooperates with Regional Inter-Parliamentary Organizations which are motivated by the same ideal.

Composition: The Union is an international organisation composed of National Groups established in Parliaments constituted in conformity with the laws of sovereign States of which they represent the population and on the territory of which they function. In the majority of cases, a Parliament as a whole constitutes itself as a National Group; in others, following the appropriate decision by Parliament, individual members establish the National Group.

The organs of the Inter-Parliamentary Union are:

i) *The Inter-Parliamentary Conference,* which studies international problems placed on its agenda by the Inter-Parliamentary Council and makes recommendations expressing the views of the Organisation on these questions. The Conference meets twice a year. National Groups are represented by delegations whose sizes vary and whose voting rights are weighed mainly according to the population of their respective States. The Conference elects its own President for each

session, traditionally in the person of an eminent parliamentary figure from the host country.

ii) *The Inter-Parliamentary Council,* which determines and guides the activities of the Union and controls their implementation in conformity with the purposes defined in the Statutes. It is composed of two representatives from each affiliated Group.

iii) *The Executive Committee,* which supervises the administration of the Union and gives technical advice to the Council. It consists of eleven members belonging to different Groups. At least two of the members elected must be women. The members are elected by the Conference; the President of the Inter-Parliamentary Council is *ex-officio* member and President.

Besides, there are Study Committees set up by the Inter-Parliamentary Council to assist the Conference in its work. All National Groups are represented on each Committee by one member and one substitute.

Functioning of Inter-Parliamentary Union: The Union holds two full-fledged plenary sessions of the Inter-Parliamentary Conference annually in the capitals of the various National Groups which at present consists of 116 countries and one Associate Member. The Inter-Parliamentary Conference sits for a maximum duration of seven days brimming with activities. The National Groups participate in the Conference by sending delegations formed by the members of their respective Parliaments. Article 11 of the Statutes of the Union stipulates that the number of delegates from the National Group shall in no case exceed eight, in respect of Groups of countries with a population of less than one hundred million inhabitants or ten in respect of Groups of countries with a population of one hundred million inhabitants or more. Apart from the National Groups, various international organisations of an inter-governmental or inter-parliamentary nature and other bodies as fixed by Inter-Parliamentary Council are invited to be represented at the Conference by observers who are witness to the proceedings but can speak in case invited by the President.

India's Participation: Parliament of India forms the Indian Parliamentary Group and the Indian Parliamentary Group as a whole functions as a National Group of the Inter-Parliamentary Union in conformity with its aims and objects.

Soon after our independence India became a member of the Inter-Parliamentary Union, and ever since has been taking an active interest in the activities of IPU by hosting Inter-Parliamentary Conferences and sending delegations to the Inter-Parliamentary meetings taking place at the capitals of various National Groups. India fully shares the view that Inter-Parliamentary contacts and cooperation can be a means to exert influence within National Parliaments and through them on their Governments and people in favour of world peace and development.

The Indian delegation to Inter-Parliamentary Conference normally consists of eight members, headed most of the time by Hon'ble Speaker, Lok Sabha. The delegation includes members of both the Houses represented proportionately. Each delegate selects his own subject in the Agenda on which he has full confidence to contribute to the maximum. Those who have special aptitude for drafting are given opportunities to be included in the Study Committees for preparation of draft resolutions on the basis of memoranda and resolutions furnished by National Groups to focus their view-points in a consolidated pattern. India has been playing a vital role in the activities of Executive Committee, Inter-Parliamentary Council and the Committee on the Violation of Human Rights of the Parliamentarians.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

The Indian Parliamentary Group functions in India as the Main Branch of Commonwealth Parliamentary Association. Commonwealth Parliamentary Association is an Association of Commonwealth parliamentarians. The aims of the Association are to promote knowledge and education in social, economic, cultural, constitutional and legislative systems within a parliamentary democratic framework with particular reference to the countries of the Commonwealth of Nations and to countries outside the Commonwealth having

close historical and parliamentary association with it. It seeks to foster understanding and cooperation among them and also to promote the study of and respect for Parliamentary institutions.

The Association, *inter alia*, pursues these objectives by holding Commonwealth Parliamentary Conferences annually, regional conferences, periodical seminars in different regions of Commonwealth Parliamentary Association and the inter-change of delegations by means of which parliamentarians of such countries and other persons in position spread information, exchange points of view and generally inform themselves with regard to problems which affect the Commonwealth countries. Commonwealth parliamentary Conferences are held in the capitals of member countries by rotation and are attended by the delegates from all branches of the Association.

Besides Conferences and Seminars, Commonwealth Parliamentary Association brings out publications, notably, *The Parliamentarian* and two *Newsletters* on CPA activities and on parliamentary and political events throughout the Commonwealth. *The Parliamentarian*, published quarterly by the Headquarters Secretariat, contains articles, book reviews and book-lists on subjects of parliamentary and constitutional interest. Each issue contains reports on major proceedings in many of the sovereign Parliaments of the Commonwealth.

CONFERENCE OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA

The Conference of Presiding Officers of Legislative Bodies in India has now become a permanent institution. This Conference had its inception in 1921 in the wake of the Montague-Chelmsford Reforms. As many as 57 Conferences have been held so far.

Origin: The idea of holding the Conference of Presiding Officers of all Legislatures in India originally emanated from the late Lord Montague, the then Secretary of State for India. Lord Montague took keen interest in the establishment of parliamentary institutions in this country and was responsible for the famous declaration of the policy of the British Government towards India on 20 August 1917

envisaging the gradual development of self-governing institutions with a view to progressive realisation of responsible Government in this country. The Joint Parliamentary Committee of the British Parliament dealing with the Reforms Bill of 1919, in recommending the appointment of the first President of the Central Legislative Assembly observed:

> He should be guide and adviser of the Presidents of the Provincial Councils, and he should be chosen with a view to the influence which it is hoped he would have on the whole history of the Parliamentary procedure in India.

To attain the desired objective, the first President of the Central Legislative Assembly, Sir Frederick Whyte (formerly a Member of the House of Commons) convened the first Conference of the President of the Central Legislative Assembly and the Presidents and Deputy Presidents of the Legislative Councils in the Provinces on 14 and 16 September 1921.

Aims and Objects: The object of the Conference, as stated in the Resolution adopted at the Third Conference held at Delhi in December 1923, was "to secure the appropriate coordination of parliamentary procedure throughout India". However the aims, objects and scope of the Conference have since been changing as is visible from the Memoranda submitted and address delivered by various chairmen of the Conference from time to time.

For example, after the advent of the Interim Government in 1946, Mr. Speaker Mavalankar in his address to the Conference held at New Delhi in January 1947 spoke this about the objects of this Conference:

> Such Conferences will give us opportunities of pooling resources as also of learning by experience and by exchange of views. They give us an opportunity of personal contacts for comradeship in the service of our country, and will go a great way in enabling us thereby to discharge our responsibilities more efficiently.

Again, in October 1972, Mr. Speaker Dhillon in his address to the Conference held at Madras, observed:

> With the attainment of Independence and the establishment of a full-fledged parliamentary system under the present Constitution and the introduction of real responsible Government at the Centre as well as in the States, the discussions at the Presiding Officers' Conference acquired greater importance and real meaning. In recent years the Conference has, besides discussing procedural matters, devoted much thought and attention to various important developments having a vital bearing on the future of democracy rather than on its mere form. For example, after the Fourth General Elections (1967), as unprincipled floor-crossing by legislators assumed a serious form, causing political instability in many States and even threatening to erode people's faith in parliamentary institutions, the Conference has given much thought to the problem, and urged the need for evolving proper conventions and for other suitable measures to curb this tendency. Since its inception, the Conference has provided a forum for the Presiding Officers of the Legislatures all over the country to discuss matters relating to parliamentary practice and procedure and has thus gone a long way in establishing sound democratic conventions and uniform parliamentary procedures in India. The recommendations and decisions of the Conference which are in the nature of agreed guidelines, carry great weight with the Presiding Officers and are acted upon by them according to the circumsances, obtaining in their respective Houses. Besides, it has enabled the Presiding Officers to develop personal contacts and coordinate their work in the different Legislatures. By holding these Conferences in different State capitals, it has also promoted a sense of oneness and national unity.

Organisation and Working of the Conference: The Conference of Presiding Officers is now convened annually for 2–3 days at different places by rotation. The venue is settled in advance mostly at the previous Conference. The dates of Conference are settled by the Chairman of the Conference in consultation with the Presiding Officers of the host State Legislature.

Agenda of the Conference is settled by the Standing Committees of Presiding Officers Conference after inviting points for discussion from the Presiding Officers of State Legislatures. Besides the points on parliamentary procedure, matters of common interest are also dis-

cussed by the Conference.

In addition to the Speaker of Lok Sabha, the Conference is attended by the Deputy Speaker of Lok Sabha, Deputy Chairman of Rajya Sabha and the Speakers, Chairmen, Deputy Speakers and Deputy Chairmen of all State Legislatures (including Union Territories). Secretaries/Officers of State Legislatures attend as advisers to their Presiding Officers.

The Speaker of Lok Sabha is *ex-officio* Chairman of the Conference. The Secretary-General of Lok Sabha is *ex-officio* Secretary of the Conference and Lok Sabha Secretariat functions as the Secretariat of the Conference.

On the first day of the Conference, after the welcome speech by the Presiding Officer(s) of the host State Legislature, the Chairman of the Conference delivers his inaugural address. This address *inter alia* includes a survey of the:

(i) achievements since the last Conference;

(ii) new schemes implemented and changes introduced in the procedure and practice and the ruling given by the Chair in the spheres of legislation, commitees, privileges, etc., in Lok Sabha during the previous years; and

(iii) matters of common interest confronting the Legislatures in the country.

From the very beginning, it has been the practice to hold the Conference *in camera*. Press representatives and others are, however, admitted at the time of the Chairman's address on the first day of the Conference. The Chairman's address is given wide publicity in the newspapers. Press releases relating to the points discussed by the Conference are issued at the conclusion of each day's meeting.

Achievements of the Conference: The Conference of Presiding Officers has played a very important role in the evolution of Parliamentary democracy in India. Though it started with the limited object of "appropriate coordination of parliamentary procedures throughout India", the Conference has gone a long way in establishing sound

traditions of democracy and parliamentary procedure in all Legislatures in the country. The Conference, besides providing opportunities for developing personal contacts between the Presiding Officers coming from all parts of the country, has now become a forum for them to discuss their common problems and to find solutions therefor. It has enabled Presiding Officers to coordinate their work in the different Legislatures and compare notes so as to be able to evolve the best forms of procedure necessary or suitable in the light of their experience. The Conference has also played a very important part in the difficult task of establishing sound and uniform parliamentary conventions throughout India.

Conference of Secretaries

Like Conference of Presiding Officers of Legislative Bodies in India, the Conference of Secretaries of Legislative Bodies in India has also become a permanent institution. The Conference of Secretaries is usually held a day prior to the Conference of Presiding Officers. So far 37 Conferences of Secretaries have been held.

The Secretaries, who are the advisors to the Presiding Officers, are faced with many problems during the course of their work. The Conference provides them a forum for interaction in finding common solution to their problems.

The Conference is chaired by Secretary-General Rajya Sabha/Lok Sabha.

CONFERENCE OF CHAIRMEN OF VARIOUS COMMITTEES OF PARLIAMENT AND STATE LEGISLATURES

To provide a common forum for exchange of views and ideas, Conferences of Chairmen of various Committees of Parliament and State Legislatures are also organised from time to time. As per decision of the Conference of Presiding Officers, such Conferences for each Committee are generally held once in the lifetime of a Lok Sabha, i.e., once in five years.

CONCLUSION

Parliament of India, representing as it does all constitutionally organised shades of public opinion at the national level, occupies a pre-eminent and central position in Indian polity. It embodies and epitomises the 'sovereign will' of the people; it is the mirror and the voice of the nation. The Preamble to the Constitution makes it abundantly clear that the ultimate source of all power are the people of India in whom the real sovereignty vests.

The Constitution which is the fundamental law of the land has been "adopted, enacted and given to ourselves" by "we, the people of India". It is, therefore, one of the overriding concerns of Parliament to see that the will and the aspirations of the people as reflected in its chambers are fulfilled in the best manner possible. Members of Parliament, as elected representatives of the people, ventilate the people's grievances and opinions on various issues, scrutinise the functioning of the Government on the floors of the two Houses of Parliament and enact laws. Parliament functions as the 'grand inquest and watch dog of the nation'.

The extent of its legislative jurisdiction, the constituent powers it possesses, its role in emergencies and its relationship vis-a-vis the judiciary, the Executive, the State Legislatures and other authorities under the Constitution are all indicative of the sweep and scope of the power and jurisdiction of Parliament. It is, however, important to note here that Parliament of India cannot be described as a sovereign body in the sense that the British Parliament is understood to be. It has vast but not unlimited powers. The authority and jurisdiction of our Parliament are limited by the powers of the other organs, the distribution of legislative powers between the Union and the State, the incorporation of a code of justifiable fundamental rights, the general provision for judicial review and an independent judiciary. Despite these limitations on its authority, such powers, as it possesses under the Constitution, are adequate for it to fulfil the role that is ascribed to it.

The Parliament in India has done very well so far and is hoped to do much better in the future. One great advantage of the parliamen-

tary system, or the characteristic of the parliamentary polity, is that it is constantly evolving, it is dynamic, it keeps on changing to suit the changing needs, newer aspirations, hopes and even frustrations of the people, and that is its great advantage. To quote Pandit Nehru who said:

> "Parliament today has become the supreme temple of democracy and freedom, an institution of great importance in our national life, the only guarantee against tyranny and bad administration. It should, therefore, be treated with due reverence and deference."

Part II
The State Legislatures

ANDHRA PRADESH

ORIGIN AND GROWTH

The State of Andhra, established on a purely linguistic basis, comprising the undisputed Telugu speaking areas of the erstwhile Madras State, now known as Tamil Nadu, was officially formed at Kurnool on 1 October 1953. According to the Andhra State Act, 1953, a unicameral Legislature was set up and the membership of the Andhra Legislative Assembly was fixed at 140 which was later raised to 196.

In the old Hyderabad State, the first elected body, i.e., the Hyderabad Legislative Assembly, came into being on 1 March 1952. In November 1956, the former Hyderabad State was trifurcated and the elected members from Telangana, Marathwada and Karnataka regions of the Hyderabad State joined the elected Legislatures of the Andhra, Maharashtra and Karnataka, respectively on 1 November 1956. The nine Telugu speaking districts of the former Hyderabad State were added to the Andhra State and the State was renamed as Andhra Pradesh for which the number of seats in the Legislative Assembly was fixed at 302. From 1956 to 1958 the Andhra Pradesh Legislature was unicameral and from 1958 when the Council was formed, it became bicameral and continued till 1 June 1985, when the Legislative Council was abolished. And since then, the Andhra Pradesh Legislature has become once again unicameral.

PARTIES AND MEMBERS

Parties in Legislature: The Legislative Assembly of Andhra Pradesh consists of 295 members inclusive of one nominated member.

The Leader of the Opposition is given the status of a Cabinet Minister with all facilities. He usually either initiates or winds up

– State Legislature Building, Andhra Pradesh.

discussion during the debate on the Motion of Thanks to the Governor's Address, general discussion on the Budget, etc. By convention, the Leader of the Opposition or his nominee is nominated as the Chairman of the Public Accounts Committee.

Qualifications for Membership: Article 173 of the Constitution lays down qualification for membership of the State Legislature and Article 191 prescribes disqualifications for membership. Article 192 says that if any question arises as to whether a member of the House of Legislature of a State has become subject to any of the disqualifications mentioned in Clause 1 of Article 191, the question is referred for the decision of the Governor and his decision is final. Before giving any decision on such question, the Governor obtains the opinion of the Election Commission and acts in accordance with his opinion. The Tenth Schedule of the Constitution which was inserted by the 52nd Amendment Act, 1985 embodies provisions as to disqualifications on ground of defection.

Oath/affirmation: The following procedure is adopted in regard to taking of oath or making the affirmation by the newly elected members of the Assembly. A list of newly elected members of the Assembly showing the order in which the names of members will be called upon by the Secretary in the Assembly Chamber for taking oath or making affirmation is prepared.

1. Chief Minister
2. Ministers
3. Ex-Ministers,
4. Lady Members, and
5. Other members in alphabetical order.

The oath or affirmation cards, in English, Hindi, Telugu and Urdu, are placed on the Table in the Chamber along with a copy of the Bhagavatgita, the Quran and the Bible. A microphone is placed on the Table in the Chamber before the Secretary so that while he reads out the names of the members it might be heard in all sections of the House.

As soon as the House is assembled, the Speaker-*pro tem*, who is appointed by the Governor for the purpose of administering oath or affirmation, makes an announcement that the Secretary calls upon the Chief Minister and thereafter calls the names of the Ministers, the Leaders of the Parties, the Ex-Ministers, the Lady members and names of other members, one by one in alphabetical order for taking oath or affirmation. If there is any member whose name has not been called or if any member was absent when his name was called, such member can come after all the names in the list have been called.

Salary Allowances and Other Facilities: A member of the Andhra Pradesh Legislative Assembly is entitled to a salary of Rs. 750/- per month, a constituency allowance of Rs. 1500/- per month, a contingency allowance of Rs. 500/- per month, a clerical allowance of Rs. 1200/- per month, a telephone allowance of Rs. 1500/- (including rentals) and accommodation allowance (in cases where members are not provided accommodation by the State Government) of Rs. 2000/- per month. He is also entitled to a travelling allowance for his/her forward/return journeys by rail/road or air. Besides a member is also entitled to the following facilities:

Daily Allowance: An allowance of Rs. 150/- per day is given to a member for attending the sessions of the Legislature or sittings of the Committees. (Daily allowance is payable for one day before and one day after the session/sittings.)

Travelling Allowance:

(a) For the portion of the journey performed by railway, 1 1/2 single railway fare of the higher class of accommodation available in the train, other than air-conditioned accommodation is paid to the members.
(b) Members hailing from Chittoor, Srikakulam, Vizianagaram, Visakhapatnam, East Godavari and Cuddapah District can avail air travel facility for attending the sessions of the Assembly or sittings of the Legislature Committees at Hyderabad. Mileage at the rate of Rs. 3/- per kilometre up to 300 kms is paid, if the member certifies that he travelled by a car.

Accommodation: Furnished rent free accommodation with free water and electricity is provided to the members at Hyderabad.

Telephone: Initial installation charges are reimburseable.

Travel Facility: Every member who does not hold any of the office of Ministers, Speaker, Deputy Speaker, Leader of Opposition, Whips, and Parliamentary Secretaries, is provided with railway coupons worth Rs. 15,000/- or cash of the same value at his opinion, per annum to travel in India either singly or with his or her spouse or together with any person or persons by any class by any railway in India.

Bus Travel Facility: Members and their spouses are entitled to travel either singly or together in all State carriage vehicles operated by APSRTC on City, Intra-State and Inter-State routes free of cost on production of identification cards. The member and spouse are entitled to take an attendant along with them on all journeys free of cost.

Medical Facilities: Subject to such conditions as may be determined by rules made by the Government every member of the Legislative Assembly and the members of his family are entitled to:

(a) A medical allowance of rupees five hundred per mensum in lieu of supply of medicines free of charge from State Government hospital or dispensary;
(b) Free accommodation and medical treatment in any hospital maintained by the State Government.
(c) Reimbursement of the charges incurred towards hospitalisation in any Government hospital or in the Nizam's Institute of Medical Sciences, Hyderabad where such hospitalisation is advised;
(d) Medical treatment in any hospital outside India; and
(e) The provision of artifical limbs, hearing aids and the like at the cost of the State Government, provided that the cost to be borne or the amount to be reimbursed by the State Government in respect of medical treatment —
    (i) In any hospital within or outside India, shall not exceed such sum as may be specified in the rules made by the State Government in this behalf, inclusive of the fare for air passage and expenditure incurred towards per-

sonal attendant, in case where facility for such treatment is available in any hospital in India; or

(ii) In any hospital outside India, shall not exceed the actual expenditure incurred for such treatment and the fare for air passage of the person treated and his personal attendant in case where facility for such treatment is not available in any hospital in India;

(iii) In respect of hospitalisation in any Government hospital or in the Nizam's Institute of Medical Sciences, Hyderabad, the amount to be reimbursed shall not exceed Rs. 40,000/- (forty thousand) on such occasion.

Vehicle Advance: Members are eligible for a repayable advance of Rs. 60,000/- at the rate of 8 1/2% interest per annum towards purchase of motor car.

Stationery: Two thousand embossed letterheads in three different sizes with equal number of covers are supplied to every member per year free of cost.

Other facilities:

(a) Two L.P.G. connections on out of turn basis are provided to each member during his tenure of office.

(b) Application for allotment of discarded military vehicles are sponsored to the Ministry of Defence, Government of India and their allotment, etc., are monitored.

(c) Clerical assistance is provided to all recognised political parties in the Assembly at Government cost.

(d) A typing pool consisting of typists of different languages is created during the meeting days to attend to the typing work of members.

(e) Recognised political parties are provided with furnished accommodation in the Assembly premises.

(f) Arrangements are made in the Assembly premises for the delivery of mail intended to members from Government offices during meeting days.

(g) Special buses are provided to members from M.L.A.'s Quarters and Hostels to Assembly premises during meeting days.

(h) Post Offices and State Bank Extension Counters are provided in Assembly premises and M.L.A.'s Quarters.

(i) There are nearly 300 quarters and 96 single rooms with telephone facility for providing accommodation to the members and their guests.

(j) Catering arrangements are provided both in Assembly and M.L.A.'s Quarters and Hostel.

(k) Government hospitals in different systems, viz., Allopathic, Homoeo, Ayurveda, etc., are provided in the promises of M.L.A.'s Quarters. There is a resident doctor in the premises itself to attend to the needs of members. A separate dispensary is provided in the Assembly premises during meeting days for the use of members.

(l) Extension counters of Civil Supplies Corporation, milk booths of APDDC and panshops, hair-cutting saloons, laundries, tailoring shops, typing and xerox job work centres, etc., are provided in the premises of M.L.A.'s Quarters.

(m) There is one APSRTC extension counter in M.L.A.'s Quarters to attend to the reservations required by the members in the buses. During meeting days the said counter functions in the Assembly premises also.

(n) There is a well-equipped modern library and a separate research and reference wing for the use and assistance of members.

(o) Requests for provision of accommodation to the members at A.P. Guest House, New Delhi and at other State Legislature Hostels are attended to by the Legislature Secretariat.

Pension: Pension is paid to the Ex-Legislators at the rate of rupees one hundred for each year of his membership in the Assembly/Council or in both Houses together subject to a maximum of rupees one thousand per mensum.

Widows of deceased members are also paid pension at half the rate

of pension which the deceased member would have been entitled had he been alive.

The Leader of the Opposition, Chief Whip and Whip are entitled for salary and other perquisites on par with a Minister.

Resignation: A member who desires to resign his seat in the House intimates in writing under his hand addressed to the Speaker, his intention to resign his seat in the prescribed form and does not give any reason for his resignation. Provided that where any member gives any reason or introduces any extraneous matter, the Speaker may, in his discretion, omit such matter and the same is not to be read out in the House.

If a member hands over the letter of resignation to the Speaker personally and informs him that the resignation is voluntary and genuine and the Speaker has no information or knowledge to the contrary, the Speaker may accept the resignation immediately. If the Speaker receives the letter of resignation either by post or through someone else, the Speaker may make such enquiry as he thinks fit to satisfy himself that the resignation is voluntary and genuine. If the Speaker, after making a summary enquiry either himself or through the agency of the Legislature Secretariat or through such other agency as he may deem fit, is satisfied that the resignation is not voluntary or genuine, he should not accept the resignation. A member may withdraw his letter of resignation at any time before it is accepted by the Speaker. The Speaker should, as soon as may be, after he has accepted the resignation of a member, informs, the House that the member has resigned his seat in the House and he has accepted the resignation. When the House is not in session, the Speaker informs the House immediately after the House reassembles. The Secretary, as soon as, after the Speaker has accepted the resignation of the member, causes the information to be published in the Andhra Pradesh Gazette and forwards a copy of the notification to the Election Commission for taking steps to 2fill the vacancy thus caused. Where the resignation is to take effect from a future date the information is published in the Gazette not earlier than the date from which it is to take effect (Rule 164).

Absence from House: The leave of absence from the sittings of the

Assembly may be granted by the Assembly to a member on a motion made by him or any other member on his behalf, stating the period of absence, and such motion is voted upon without amendment or debate. If without such leave, a member is absent from all meetings of the Assembly or sixty days computed in accordance with Clause 4 of Article 190 of the Constitution, the Leader of the House or such other member to whom he may delegate his functions in this behalf, may move that his seat may be declared vacant, and such motion is voted upon without amendment or debate.

SESSIONS AND SITTINGS

Normally three sessions are held in a year. They are known as the Budget Session, the Monsoon Session and the Winter Session. The House sits for nearly sixty days in a year on an average. The days of sitting vary from year to year depending on the quantum of business to be transacted in the House. Sitting of the House ordinarily commences at 8.30 a.m. and concludes at 1.30 p.m. unless the Speaker otherwise directs. If necesary, the House meets in the evening also.

Issue of Summons: On receipt of a requisition from the Leader of the House for summoning the House, with the approval of the Speaker, the note is circulated to Governor through the Minister for Legislature and Chief Minister. The Secretary issues a notice informing each member of the summoning of the House by the Governor specifying the time, date and place for the session of the House. When a session is called at short notice or emergently, intimation is given to all members by announcement of the time, date and place of the session by publishing in the press as well as by issue of telegrams.

Prorogation of Legislative Assembly: Article 174 empowers the Governor to prorogue the House from time to time. The prorogation order of the Governor is issued in the form of Government Order. The message of the Governor is issued in exercise of the power conferred by sub-clause (a) of Clause 2 of Article 174 of the Constitution. The order is communicated to all members.

Dissolution of Legislative Assembly: Article 174 (2) (b) empowers the Governor to dissolve the Legislative Assembly.

BUSINESS OF THE HOUSE

Legislative business can be divided into two broad headings: Government Business and Private Members' Business.

The Government may arrange the Government business in any order with the consent of the Speaker. On days other than those allotted for Private Members' Business, no business other than the Government business is transacted except with the consent of the Speaker.

Private Member's Business: The last two hours of a sitting on Fridays are allotted for transaction of Private Members' Business. The Speaker may allot different Fridays for the disposal of different classes of such business and on Fridays so allotted for any particular class of business, business of that class has precedence unless the Speaker otherwise directs. The Speaker may, in consultation with the Leader of the House, allot any day other than a Friday for the transaction of Private Members' Business. If there is no sitting of the House on a Friday, the Speaker may direct that two hours on any other day in a week may be allotted for Private Members' Business.

On a day allotted for the disposal of Private Members' Bills, such Bills do have relative precedence in the following order, namely;

(a) Bills in respect of which the motion is that leave be granted to introduce the Bill;
(b) Bills returned by the Governor with message under Article 200 of the Constitution;
(c) Bills in respect of which a motion has been carried, that the Bill be taken into consideration;
(d) Bill in respect of which the report of a Select Committee has been presented;
(e) Bills which have been circulated for the purpose of eliciting opinion thereon;
(f) Bills introduced and in respect of which no further motion has been made or carried; and
(g) Other Bills.

The relative precedence of Bills are determined by ballot in accordance with the orders made by the Speaker.

Business Advisory Committee: At the Commencement of the Assembly or from time to time, as the case may be, the Speaker may nominate a Committee called the Business Advisory Committee consisting of not more than eleven members including the Leader of the House and the Speaker who is the Chairman of the Committee.

It is the function of the Committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Speaker in consultation with the Leader of the House may direct for being referred to the Committee. The Committee has the power to indicate in the proposed time table the different hours at which the various stages of the Bill and other business are to be completed. The Committee has such other functions as may be assigned to it by the Speaker from time to time.

List of Business: A List of Business for the day is prepared by the Secretary, and a copy thereof is made available for the use of every member. No business not included in the List of Business for the day is transacted during the sitting of that day without the permission of the Speaker.

Rules of Debate: If a member desires to speak on any motion before the House, he has to rise in his place and try to catch the attention of the Presiding Officer. He speaks only if and when he is called upon by the Speaker. If more members than one rise at the same time, the member whose name is so called is entitled to speak. Members make their speeches from their places and in doing so address the Chair from their seats. If a member is disabled by sickness or infirmity he may be permitted to speak while sitting. The Speaker may impose time-limit for speeches.

Proceedings: The title of the debates had been published in English till 1987, but from March 1988 onwards Telugu is being used. Rule 307 provides that the Secretary causes to be prepared a full report of the proceedings of the Assembly at each of its sitting and as soon as practicable publishes it in such form and manner as the Speaker may from time to time direct.

The proceedings of the Assembly are recorded verbatim. Rule 306

provides that the business of the Assembly is to be transacted in Telugu or English or in any other language.

Simultaneous Interpretation: There is provision for simultaneous interpretation from English to Telugu and from Urdu to Telugu.

PRESIDING OFFICERS

As per the provisions of Article 179 of the Constitution, the Speaker continues in office notwithstanding the fact that the House has been dissolved, and vacates it immediately before the first meeting of the new House after dissolution. The Governor then appoints a member from among the newly elected members as the Speaker-*pro tem* to administer the oath or affirmation to the members and to conduct the election of the Speaker.

The election of the Speaker is held on such date as the Governor may fix. The Secretary sends to every member a notice informing that nominations for the Office of the Speaker are received at any time between 10.30 a.m. and 5.00 p.m. on the day preceding the date so fixed. Any member may file a nomination paper nominating another member for election. The nomination paper contains the name of the person nominated. It is to be signed by the proposer. The nomination contains a declaration by the nominee that he is willing to serve as Speaker, if elected. The nomination paper with declaration is to be delivered to the Secretary to Legislature in person either by the proposer or the candidate nominated. The election takes place at a meeting of the Assembly on the date fixed for it. The person presiding at the meeting reads out to the Assembly the names of the members who have been newly nominated together with those of their proposers. If only one member has been so nominated, the person presiding over the meeting declares that the member is elected. If more than one member has been nominated, the Assembly proceeds to elect the Speaker by ballot. A member is not deemed to have been duly nominated if he or his proposer has not, before the reading out of the names by the person presiding, made and subscribed the oath or affirmation as a member of the Assembly. Where more than two candidates have been nominated and at the first ballot no candidate

obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes is to be eliminated from the election and the ballotting proceeds. The candidate obtaining the smallest number of votes at each ballot is eliminated until one candidate obtains more votes than the remaining candidates or more than the aggregate votes of the remaining candidates as the case may be. Where at any ballot any two candidates obtain an equal number of votes and one of them has to be eliminated from the election, the question is to be decided by drawing the lots. The person presiding at the meeting declares that member as elected.

The election process of the Deputy Speaker is similar to that of the Speaker.

Rule 9 lays down the provision for panel of Chairmen for presiding over the House in the absence of the Speaker and the Deputy Speaker. At the commencement of every session the Speaker nominates from amongst the members a panel of not more than six Chairmen, any one of whom may preside over the Assembly in the absence of the Speaker or in his absence by the Deputy Speaker.

The Speaker may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly. But no resolution for the purpose should be moved unless at least 14 days' notice has been given. A member intending to give notice of a resolution under Clause C of Article 179 of the Constitution for the removal of the Speaker or the Deputy Speaker, has to give notice in writing to the Secretary. On receipt of a notice motion for leave to move the resolution is entered in the List of Business in the name of the member concerned on a day fixed by the Speaker provided that the day so fixed is any day after 14 days from the date of the receipt of notice of resolution. At any sitting of the Legislative Assembly, when the resolution for removal of the Speaker is under consideration, the Speaker or in the case of a resolution for the removal of the Deputy Speaker, the Deputy Speaker cannot preside. The Speaker or the Deputy Speaker or such other person as is referred to in Clause 2 of Article 180 presides over the sitting of Assembly when a resolution for the removal of the Speaker or Deputy Speaker is taken up for consideration. The member in whose name the motion stands in the List

of Business has to move the motion, unless he wishes to withdraw it when called upon to do so. No speech is permitted at this stage.

The Speaker or the Deputy Speaker or the persen presiding, as the case may be, places the motion before the Assembly and requests those members who are in favour of leave being granted to rise in their places. If not less than fifty members rise accordingly, the Speaker or the Deputy Speaker or the person presiding, as the case may be, announces that leave has been granted and that the resolution is taken up on such a day not being more than ten days from the date on which leave is asked for as he may appoint. If less than fifty members rise, the Speaker or the Deputy Speaker or the person presiding as the case may be, informs the member that he has not the leavé of the House. On the appointed day, the resolution is included in the List of Business. It is taken up after the Question Hour and before any other business for the day is entered upon. The Speaker has, while the resolution for his removal from the office is under consideration in the Assembly, the right to speak in and otherwise to take part in the proceedigs of the Assembly. He is entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of any equality of votes. In the State of Andhra Pradesh, no Speaker or Deputy Speaker has so far been removed from the office.

The primary function of the Speaker is to preside over the sitting of the Assembly. He does not participate in the proceedings of the House but he guides the House. The Speaker does not vote in the first instance. He exercises a casting vote in the case of equality of votes. The absence of vote in the first instance makes the position of the Speaker impartial. The casting vote is given to him only to resolve a deadlock. The Speaker of the Assembly has the power to maintain order within the House. He interprets the Rules of Procedure and Conduct of Business in the Legislative Assembly. If at any time, it is brought to the notice of the Chair that there is no quorum, the quorum bells are rung. If there is still no quorum the person presiding adjourns the House to a later hour on the same day or to the next day on which the Assembly ordinarily sits. The Speaker has the power to adjourn the House whenever he deems necessary. He should not exercise his power to adjourn the House *sine-die* without the consent of the House. When he adjourns the House for a particular time, it should not exceed

a period of one week. The Speaker may, if he thinks fit, call a sitting of the House adjourned *sine-die* ordinarily after giving three days' notice to the members. The conduct of the proceedings in the Assembly by the Speaker is not to be called in question by any court. The Speaker endorses a bill as a Money Bill.

The Speaker regulates the business in the Assembly in all matters. He exercises his residuary powers when the occasion demands in respect of business about which there is no specific provision either in the Constitution or in the Rules.

The Speaker removes difficulties arising while giving effect to the provisions of the Rules. He may by order make such provisions not inconsistent with the spirit of the Rules as appear to him necessary. The Speaker may himself on a point being raised or on a request made by a member address the House with a view to aid members in their deliberations. In the Andhra Pradesh Legislative Assembly on no occasion has the Speaker so far exercised his casting vote.

Table 1 shows the names and the tenure of successive Speakers of the Andhra Pradesh Legislative Assembly.

Table 1: Statement showing the names and tenure of Speakers

Name	Tenure	
	From	To
Shri A. Kelswar Rao	1956	1962
Shri B.V. Subba Reddy	1962	1971
Shri K.V. Vema Reddy	1971	1972
Shri P. Ranga Reddy	1972	1974
Shri R. Dasaradha Ram Reddy	1975	1978
Shri Kondaiah Chowdary	1978	1981
Shri Kona Prabhakara Rao	1981	1982
Shri A. Eswara Reddy	1982	1983
Shri T. Satyanarayana	1983	1984
Shri N. Venkataratham	1984	1985
Shri G. Narayana Rao	1985	1989
Shri P. Ramachandra Reddy	1990	1990
Shri D. Sripada Rao	1991	—

PROCESS OF LEGISLATION

An important function of the Legislature is to enact laws. The proposals for Legislation are initiated in the form of Bills, which when passed by the Legislature and assented to by the Governor become Acts. A Bill may be introduced in the House of the Legislature either by a Minister or by a Private Member. All procedures that applied in the case of Government Bills apply in the case of Private Members' Bills also. The relative precedence of Private Members' Bills is determined by ballot. The motion in respect of such Bills is entered in the List of Business in the order in which notices of such motions have been received in point of time.

The Bill before it takes the form of an Act, undergoes three readings:

First Reading: For the introduction of a Bill any member may give notice to move for leave to introduce a Bill. He has to enclose a copy of the Bill and an Explanatory Statement of Objects and Reasons. Seven days' notice is required for the introduction of a Bill. If the Bill cannot be introduced without the previous sanction of the President or recommendation of the Governor, as the case may be, the member should annexe to the notice such sanction or recommendation conveyed through a Minister. The notice is not valid until the requirement is complied with. If any question arises whether a Bill is such that it cannot be introduced or moved, save with the previous sanction of the President or recommendation of the Governor, the question is referred to the authority that would have the power to grant the previous sanction or recommendation, if it were necessary and the decision of that authority on the question is final. Every Bill involving expenditure should be accompanied by a Financial Memorandum inviting particular attention to the causes involving expenditure. It should contain the particulars of an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law. A Bill involving proposal of the delegation of Legislative Powers should contain a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character. The Bill should be accompanied by a memorandum showing whether it requires the assent by the Governor or to be reserved by the Governor for consideration and assent of the President

together with reasons. The member who desires to introduce a Bill has to obtain Leave of the House for its introduction. As soon as may be, after leave to introduce a Bill has been granted, it is published in the Gazette.

Second Reading: The second stage of the Bill is the consideration stage. Motion for consideration not moved unless copies of the Bill are made available two days before the day on which the motion is to be made. The procedure and practice in regard to legislation in Andhra Pradesh Legislative Assembly is the same as that of Lok Sabha. The member incharge of the Bill may make one of the following motions in regard to his Bill, namely, that it be taken into consideration; that it be referred to a Select Committee of the House; or that it be circulated for the purpose of eliciting opinion thereon. When the motion for consideration of the Bill is moved, any member may move an amendment that the Bill be referred to a Select Committee of the House, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion . If the motion is carried, the Select Committee on the Bill is constituted. The Select Committee consists of not more than fifteen members. The Minister incharge of the Bill is a member thereon. In accordance with the Objects and Reasons of particular Bill, the Select Committee examines how far it can accommodate the viewpoints of members belonging to various sections of the House. The procedure in a Select Committee is as far as possible the same as is followed in the Assembly during the consideration stage of a Bill. The Select Committee may hear expert evidence and representatives of a special interest affected by the Bill.

After consideration of the Clauses of the Bill, the Select Committee prepares a report and presents the same to the House.

Unlike the Reports of other Committees of the House, the members of the Select Committee may register a minute of dissent in the report. After the presentation of the final report of a Select Committee of the House on a Bill, the member incharge moves for its consideration. The member may give notice of amendments to various clauses of the Bill one day before the day on which the Bill is to be considered. The amendments, of which notices have been given, are arranged in the list of amendments issued in the order in which they may be called. In

arranging amendments raising the same question at the same point of a clause, precedence may be given to an amendment moved by the member incharge of the Bill. Amendments are considered in the order of the clause of the Bill to which they relate. When a motion that a Bill be taken into consideration has been moved, any member may, when he is called, move an amendment to the Bill of which he has previously given notice. An amendment moved may, by leave of the House, be withdrawn on the request of the member moving it.

When a motion that a Bill be taken into consideration has been carried, the Speaker may submit the Bill or any part of the Bill to the House clause by clause. He may call each clause separately and when the amendments relating to it have been dealt with, put the question that this clause stands part of the Bill. A consideration of schedules, if any, follows the consideration of clauses. The Speaker puts the question that this schedule shall stand part of the Bill. Finally Clause One, the Enacting Formula, the Preamble, if any and the Title of the Bill stand postponed until the other clauses the schedules have been disposed of. The Speaker then puts the question that Clause One or the Enacting Formula or the Preamble or the Title or that Clause One, Enacting Formula, Preamble or Title as amencded, as the case may be, stand part of the Bill.

Third Reading: The final stage of the Bill is the passing stage. When a motion that the Bill be taken into consideration has been carried and no amendment to the Bill is made, the member incharge of the Bill may at once move that the Bill be passed. Where a Bill has undergone amendment, the motion that the Bill, as amended, be passed is not moved on the same day on which the consideration of the Bill is concluded unless the Speaker allows the motion to be made. After a Bill has been passed by the Assembly, the Speaker signs a certificate at the foot of the Bill. In case of Money Bill he specifically says "I certify that this is a Money Bill". The Bill which has been signed by the Speaker after it is passed is then submitted to the Governor for his assent. Where a Bill which has been passed by the Legislative Assembly is returned to the Assembly under Articles 200 and 201 of the Constitution with a message requesting the Assembly to reconsider the Bill or any specific provisions thereof or consider the desirability of introducing such amendment as may be recommended in the

message, the Speaker endorses the message and communicates the same to the Assembly. After that any member may move that the Bill be taken into consideration in respect of the points recommended for reconsideration or the amendments recommended. After these are discussed and voted upon by the House after consideration, the Bill is to be presented again to the Governor for his assent. The Bill becomes an Act after the Governor's assent.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

Question procedure is one of the effective devices through which the accountability of the Executive to the Legislature is ensured. The question and answer session affords an opportunity to the Government to come to grip with the grievances and aspirations of the people at large. It also helps to educate the public about the various programmes and activities of Government besides providing a feedback to the Government to assess the success or otherwise of its policies.

The Question Hour: The first hour of every sitting is devoted to asking question for oral answers. In the event of the sitting of the House being cancelled for some reason or the other, the questions listed for that day are postponed to some other day according to the directions of the Chair. If the House decides to suspend the Question Hour on any day, the questions listed on that day are either deemed to have been answered on that day and printed in the proceedings or postponed to some other day as directed by the Chair.

The basic purpose of asking a question is to elicit information on a matter of public importance on the floor of the House. This is possible only when the House is in session. But in the Andhra Pradesh Legislative Assembly, members are permitted to give notice of questions throughout the life of the House whether the Assembly is summoned or not. This is a unique system prevailing in the Andhra Pradesh Legislative alone. This system affords an opportunity to the members to give notice of questions if they choose to ventilate the grievances of their constituencies. The disposal of such questions on the floor of the House is dependent on the convening of the meeting. Nevertheless

the communication of a question to the Government on a particular matter may provide an opportunity to the Government to enquire and know the state of things immediately without waiting for the question to come up on the floor of the House and set things right besides providing information to the House when the question is included in the list for answer.

A member desiring to ask a question must give notice in writing to the Secretary. The text of the question asked must be within the special cognizance of the Minister to whom it is addressed. The length of the question should not ordinarily exceed 150 words and it should not bring in any name or statement not strictly necessary to make it intelligible. If the question contains any statement the member giving notice of the question is responsible for its accuracy.

Notices received from members are processed and communicated to the Government within 5 days from the date of receipt from the member. Soon after the receipt of the notice, it is verified with the allocation of business among the Council of Ministers to ensure that the Minister to whom the question is addressed by the member is correct or not. The notices are examined with reference to the rules of admission, past precedents and conventions and submitted to the Speaker for orders. In this process notices are edited or recast or two or more notices on the same subject are consolidated into a single question. References are made to the members before admission to get clarification on some missing information. Clarifications are also obtained at the behest of the Government after communication of the admitted questions. Besides the rules relating to the admission of questions, the Speaker is empowered to decide whether a question or a part thereof is or is not admissible and he can disallow any question or part thereof when he feels that it is an abuse of the right of the questioning or calculated to obstruct or prejudicially affect the procedure of the Assembly or is in contravention of the rules.

Where a question is admitted it is forwarded to the Government for furnishing reply. The Government furnishes the answer within 21 days unless the Speaker grants extension of time on a request made by the Government. Normally the extension of time is granted. The occasions for refusal are very rare.

On prorogation of a session, all pending notices lapse with some exceptions. The notices of questions which have been communicated to the Government and pending as on the date of prorogation do not lapse. They are carried over to the next session.

Notices received from the members have to be sent to the Government within five days from the date of their receipt. In case prorogation intervenes, such of the notices not communicated to the Government lapse. In the process notices which are received four days prior to the prorogation only lapse. However, for the sake of facility to the members, such lapsed notices are also revived as a special case invoking the residuary powers.

When a member who gave notice of questions becomes a Minister or Speaker subsequently, his notices are treated as lapsed. If any such notice is tabled jointly with other members or the names of the members are bracketed against such notice by reason of a similar question received subsequently being disallowed, the name of the member who became Minister is deleted and the question is continued in the name or names of the remaining member/members. If any member ceases to be a member of the House, the same procedure is followed.

The question, which have been admitted and are pending with Government for more that 21 days are entered in the list of questions. Under the rules not more than two questions given by the same member are put on the List of Business unless the Speaker otherwise directs.

The lists are printed in diglot system in Telugu and English side by side. Urdu version of question lists is prepared separately and circulated to members who require them.

Lists of questions for written answers are printed along with answers in English only once in a week and circulated to the members. There is no limit on the number of questions to be put in the list.

The starred questions are included in the List of Business for oral answers. If there are any postponed questions, they are included in a supplemetary list in addition to the regular questions.

Notices of questions relating to a matter of public importance and of urgent character can be given for oral answer at shorter notice than

provided for ordinary question. Short Notice Questions are taken up for answer immediately after the disposal of the question for oral answers and may, as in the case of any questions for oral answer, give rise to supplementaries.

Half-an-Hour Discussion: The Rules of Procedure in the Andhra Pradesh Legislative Assembly lay down that the Speaker may allot half-an-hour for raising discussions on a matter of sufficient public importance which has been the subject matter of a recent question—oral or written or Short Notice—and the answer to which needs elucidation on matter of fact. Such a discussion is allowed on three days in the week, viz., Monday, Wednesday and Friday. During the Budget Session half-an-hour discussion is allowed only on Friday. For raising the discussion, the notice should be addressed to the Secretary in writing three days in advance of the day on which the matter is sought to be raised. The period of notice can be waived by the Speaker with the consent of the Minister concerned.

Short Duration Discussion: A member desirous of raising discussion on a matter of urgent public importance for short duration has to give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. The notice is required to be accompanied by an explanatory note stating the reason for raising the discussion on the matter in question. The notice has to be supported by the signatures of at least two other members. Such notices are usually received after issue of summons convening the Assembly and not earlier. The Speaker may call for such other information from the member who has sought the discussion and also from the Minister concerned as he may consider necessary. If the Speaker is satisfied that the matter sought to be raised is of urgent character and of sufficient importance to be raised in the House at an early date he may admit the notice and in consultation with the Leader of the House fix the date for discussion. If an early opportunity is otherwise available for the discussion of the matter the Speaker may refuse to admit the notice.

Motion of No-Confidence: The Council of Ministers is collectively responsible to the Legislative Assembly. A motion expressing no-confidence in the Council of Ministers is one of the accepted Parliamentary procedures by which the members of the Legislative Assembly get an

opportunity to highlight the ommissions and commissions of the Government of the day. The Rules of Procedure and Conduct of Business in the Andhra Pradesh Legislative Assembly provide for moving a no-confidence motion subject to the following restrictions, namely;

1. Leave to make the motion is to be asked by the member when called by the Speaker.
2. The member asking for leave must before the commencement of the sitting for that day give to the Secretary a written notice of the motion which he proposes to move.

The leave to make the motion is deemed to be granted if not less than one-tenth of the total membership of the Assembly rise in their seats when the leave is sought for. After the leave has been granted, the Speaker fixes a day or days for discussion of the motion in consultation with the Business Advisory Committee.

The discussion on the motion of no-confidence is not restricted to any particular subject or activity of the Government and it is very wide and members are free to highlight any shortcomings of the Government during the debate. Generally the Chief Minister replies to the debate. After the reply, the motion is put to vote and the decision is announced.

Adjournment Motion: Normally no business not included in the List of Business for the day can be transacted at any sitting without the permission of the Speaker. However, a matter of urgent public importance can be raised by interrupting the regular business of the House through an adjournment motion. The notice for moving an adjournment motion must be given one hour before the commencement of the sitting of the day.

The Speaker must be convinced about the urgency of the matter to be discussed and without his consent, no matter however urgent, can be raised in the House. It has been the general practice not to allow an adjournment motion when the subject matter can be raised through other procedural devices like Questions, Call Attention Notices, etc. Similarly, the adjournment motions are not allowed during the days

when the Assembly is discussing the Motion of Thanks on Governor's Address and general discussion on the Budget. The reason behind this is that during the discussion on these subjects, members do have ample opportunity to raise any subject for discussion for which there is no reason to stop the business already fixed for the day.

In the Andhra Pradesh Legislative Assembly there was only one occasion when an adjournment motion was granted leave for discussion.

Calling Attention Notices: A member may with the prior permission of the Speaker call the attention of a Minister to a matter of urgent public importance and request the Minister to make a statement thereon. The member is not permitted to make a speech while calling the attention of the Minister to any matter of urgent public importance.

A notice to call the attention of the Minister is addressed in writing to the Secretary. Members are expected to table Calling Attention Notices with effect from the day on which the Assembly commences its sittings. Calling Attention Notices must be given on the same day on which the matter has arisen. No member should give more than two notices, the first two notices which were received in point of time are taken into consideration.

All notices received up to 10.30 a.m. on a day are placed before the Speaker for consideration. The Speaker may select one of them for making a statement by the Minister concerned and the same is included in the Agenda for the second or subsequent working day following the day on which the notice is selected. If any notice included in the Agenda is not taken up for consideration for some reason or the other, such notice would be disposed of in accordance with the directions of the Speaker. There is no compulsion to admit a Calling Attention notice for each sitting from out of the notices received every day. All notices not selected by the Speaker are treated as lapsed and members informed accordingly. Notices received after 10.30 a.m. on any day would be taken up for consideration along with the notices received for the subsequent day. The member whose notice was not selected for any sitting is at liberty to give notice of the same matter for a subsequent sitting.

If any notice is admitted, the same is included in the List of Business after giving due intimation to the Minister concerned and the member. Copies of the statements proposed to be made by the Ministers are obtained in advance and copies thereof are supplied to the members one hour in advance for their information. No debate is allowed on the statement made by the Minister. However, members whose names appear in the List of Business would be permitted to ask a question in the shape of clarification. Only five names are shown against a Calling Attention Notice in the List of Business. If the notice is signed by more than one member it is deemed that the notice is given by the first signatory only. If there are more than five notices on the same subject, the names are determined by ballot on the same day on which the notice is admitted.

The rules provide for inclusion of more than one notice in the List of Business if the Speaker directs such a course of action.

Such of the admitted Calling Attention Notices which could be included in the List of Business till the last day of the meetings for some reason or the other are sent to the concerned Ministries after making suitable announcement in the House for furnishing replies to the members under intimation to the Legislature Secretariat.

Governor's Address: Article 176 of the Constitution lays down that at the commencement of the first session after each General Election to the Legislative Assembly and at the commencement of the First Session each year, the Governor addresses the Legislative Assembly and informs the Legislature of the causes of its summons. The Governor's address to the Legislative Assembly is a ceremonial occasion. The Governor's address is a policy statement of the Government and it is drafted by the Government. It contains a review of the activities and achievemets of the Government during the previous year and their plans for the coming years. It also sets out in brief the proposed legislative measures the Government intends to bring forward for enactment.

After the Governor's address, discussion on it is held on subsequent days on a Motion of Thanks moved by a member and seconded by another member. On the days allotted for discussion, members get ample opportunity to highlight the achievements and shortcomings of

the Government in all fields of its activity. Members are entitled to move amendments to the Motion of Thanks in such form as may be considered appropriate by the Speaker.

At the end of the discussion, the Chief Minister generally replies to the debate. In the absence of the Chief Minister, any other Minnister can reply to the debate on behalf of the Government. After the reply all the amendments are disposed of and the Motion of Thanks is adopted by the Assembly.

A copy of the text of the Motion of Thanks adopted is communicated to the Governor by the Speaker in the form of a letter. The Governor acknowledges the receipt of the Motion of Thanks by a Message to the Speaker. The Message is read out to the Assembly by the Speaker.

Petitions: The Rules of Procedure in the Andhra Pradesh Legislative Assembly provide for the presentation of petitions by the public. Every petition proposed to be presented to the House should be addressed to the Assembly and its language should be temperate and respectful. It should not contain any offensive or defamatory expressions. It should relate to a matter of definite public importance and should not relate to matters of routine administrative nature. Every petition intended to be presented to the House should be presented by a member of the House who shall be responsible for its contents and genuineness.

Any member desiring to present a petition to the House must obtain the consent of the Speaker before its presentation to the House. After obtaining the consent, the petition is presented to the House on any day after the conclusion of the Question Hour and before other business is entered upon. A member, while presenting a petition to the House, should confine himself to a brief statement to the effect that "I present the petition signed by .... and relating to such and such a matter." No debate is permitted on such statement. The petition must relate to a matter within the competence or jurisdiction of the House and in which it can interfere and afford the relief prayed for. The petition can be given in any language used in the State. Petitions not satisfying the rules are returned to the members for correction.

There is a Committee on Petitions under the chairmanship of the Deputy Speaker consisting of six other members nominated by the Speaker.

Every petition presented to the House stands referred to the Committee on Petitions. After preliminary scrutiny by the Committee the petitions are sent to the Government for their comments on the various grievances on which relief is sought. After obtaining the comments the Committee examines them with the assistance of the departmental representatives to formulate its findings and recommendations. On-the-spot visits are also conducted by the Committee members to acquaint themselves with the problems mentioned in the petition and also to collect evidence from the persons and organisations interested in the matter. After examination, the Committee reports to the House either in a concrete form applicable to the case under review or to prevent such cases in future. The Committee has also the power to direct the petition to be circulated in extenso or in a summary form to all members of the House. Where circulation of the petition is not directed by the Committee, the Speaker has the authority to order for its circulation.

Raising a Matter which is not a Point of Order: A member who wishes to bring to the notice of the House any matter which is not a point of order has to give notice to the Secretary in writing stating briefly the point which he wishes to raise in the House and the reasons for raising the point. The member is permitted to raise the matter only after the Speaker has given his consent.

As per the directions of the Speaker, notice must be given only on a matter of utmost public importance which has occurred within 48 hours prior to the sitting on any day. All notices received up to 10.30 a.m. on any day are placed before the Speaker for admission and if any notice is selected, the member is permitted to raise the issue on the next day or on any subsequent day as per the directions of the Speaker. Notices not selected are treated as lapsed and members are informed accordingly. If more than one notice is received on the same subject and if one of them is admitted the names of the other members who gave notice of similar matter are clubbed to the admitted notice and the member who gave notice first in point of time is allowed to raise the issue in the House.

This item is not included in the regular List of Business. But a separate paper showing the names of the members who have given

notice of the matter to be raised and the Minister who has to make a statement together with the matter to be raised is circulated to the members. This item is taken up immediately after the Question Hour. After raising the issue in the House, the Minister concerned invariably makes a statement and the other members whose names are bracketed to the original admitted notice are permitted to seek clarifications, if necessary. Matters which can appropriately be dealt with under the provisions of other rules of the Rules of Procedure are not allowed under this item. Such of the admitted notices not taken up for consideration till the last day of the meeting for some reason or the other are sent to the concerned departments for giving replies to the members direct under intimation to the Legislature Secretariat. A suitable announcement is made in the House in this regard. There were occasions in the past where the House devoted two to three hours to discuss matters under this item in view of the seriousness of the matter.

LEGISLATIVE COMMITTEES

The House of Legislature has various Committees to scrutinise the activities of the Executive Government to ensure its accountability to the Legislature. The Statutory Committees of the Legislature are: The Committee on Public Accounts, the Committee on Estimates, the Committee on Public Undertakings, the Committee on Subordinate Legislation. The Committee on Assurance and the Committee on Petitions. In the revised Rules of Procedure and Conduct of Business in the Andhra Pradesh Legislative Assembly that have come into force with effect from 15 March 1976, provision has been made for the constitution of new Committees, such as, the Committee on Welfare of Scheduled Castes, the Committee on Welfare of Scheduled Tribes, the Committee on General Purposes and the Committee on Library.

Committee on Public Accounts: The Committee on Public Accounts consists of fifteen members elected from amongst the members of the Assembly every year in accordance with the principle of proportional representation by means of single transferable vote and in accordance

with the regulations framed in this behalf by the Speaker. No Minister is elected a member of the Committee.

The Committee examines the accounts showing the appropriation of sums granted by the House for the expenditure of the State Government, the annual finance accounts of the State Government and such other accounts laid before the House as the Committee may think fit.

In scrutinising the Appropriation Accounts of the State Government and the report of the Comptroller and the Auditor-General thereon, it is the duty of the Committee to satisfy itself:

(a) that the moneys shown in the accounts as having been disbursed were legally available for, and applicable to, the services or purpose to which they have been applied or charged;
(b) that the expenditure conforms to the authority which governs it; and
(c) that every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority.

The Chairman brings to the notice of the Assembly:

(i) every case in which it is not so satisfied; and
(ii) all expenditures which the Finance Department has requested.

It is also the duty of the Committee:

(a) to examine the statement of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes, concerns and project together with the balance sheets and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the Statutory rules regulating the financing of a particular Corporation or

project and the report of the Comptroller and Auditor-General thereon;

(b) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies, the audit of which may be conducted by the Comptroller and Auditor- General of India/either under directions of the Governor or by a Statute of State Legislature;

(c) to consider the report of the Comptroller and Auditor-General in cases where the Governor may have required him to conduct an audit of any receipt or to examine the accounts of stores and stocks.

If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose the Committee examines with reference to the facts of each case the circumstances leading to such an excess and makes such recommendation as it may deem fit. But the Committee does not exercise its functions in relations to such public undertakings as are allotted to the Committee on public undertakings by the rules or by the Speaker.

Committee on Estimates: The Committee on Estimates consists of fifteen members elected from amongst the members of the Assembly every year. No Minister is elected a member of the Committee.

The functions of the Committees are —:

(a) to report what economies, improvements in re-organisation, efficiency or administrative reform consistent with the policy underlying the estimates may be effected;

(b) to suggest alternative policies in order to bring about efficiency, and economy in administration;

(c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and

(d) to suggest the form in which the estimates are to be presented to the Assembly.

Committee on Public Undertakings: The Committee on Public Undertakings consists of fifteen members elected from amongst the members of the Assembly every year. No Minister is elected a member of the Committee.

The functions of the Committee are:

(a) to examine the reports and accounts of the public undertakings specified in the Second Schedule;
(b) to examine the reports, if any, of the Comptroller and Auditor- General on the Public Undertakings:
(c) to examine in the context of the autonomy and efficiency of the Public Undertakings whether the affairs of the Public Undertakings are being managed in accordance with the sound business principles and prudent commercial practices; and
(d) to exercise such other functions vested in the Committee on Public Accounts and the Committee on Estimates in relation to the Public Undertaking specified in the Second Schedule as are not covered by clauses (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time.

The Committtee does not examine and investigate any of the following:

(i) matters of major Government policy as distinct from business, or commercial functions of the Public Undertaking;
(ii) matters of day to day administration not relating to past acts; and
(iii) matters for the consideration of which machinery is established by any special statute under which a particular Public Undertaking is established.

Ad Hoc Committees: Besides the above permanent Committees, Ad-hoc Committees are also appointed to probe into certain

irregularities in a Government Department, an Institution or even a Corporation. Taking the consensus of the House and the opinion of the Minister concerned, the Speaker appoints Ad-hoc Committees of the House to probe into the activities of that particular Department, Institution or Corporation and submit reports to the House within the specified time prescribed for submitting the reports.

It is a convention that the reports of the Standing Committees are not discussed in the House. But in the case of reports of the Select Committee on Bills, they are discussed in the House when the Bill comes up for consideration. The idea behind the convention is to ensure unanimity on findings of the Committee.

The reports of the Committees are presented to the House by the Chairman or in his absence by any member of the Committee and when the House is not in session, the Speaker, may on a request being made to him, order the printing, publishing or circulation of the report although it is not presented to the House. In that case, the report is presented to the House during its next session at the first convenient opportunity.

LEGISLATIVE PRIVILEGES

The members of the Andhra Pradesh Legislature enjoy certain immunities and privileges in order to effectively perform their duties without any hindrance. The most important privileges of the members are the freedom of speech and immunity from any proceedings in any court in respect of anything said or vote given in the Legislature or in any Committee thereof. The other important one is the freedom from arrest of members in civil cases during the continuance of the session of the House and forty days before its commencement and forty days after its conclusion.

The members cannot be compelled to give evidence or produce documents in a court of law relating to the proceedings of the House without the permission of the House. Similarly members cannot be compelled to attend as witnesses before any House of Legislature or Parliament or Committee thereof without the permission of the House to which he belongs. In addition to the above, each House of a

Legislature enjoys certain consequential powers necessary for the protection of its privileges and immunities. These powers are:

1. To commit persons, whether members or not, for breach of privilege or contempt of the House;
2. To compel the attendance of witnesses and to send for papers and records;
3. To regulate its procedure and the conduct of its business;
4. To prohibit the publication of its debates and proceedings; and
5. To exclude strangers.

The procedure for dealing with questions of privilege is laid down in the Rules of Procedure and Conduct of Business of the Andhra Pradesh Legislative Assembly. According to this, a member may with the consent of the Speaker, raise a question involving a breach of privilege either of a member or of the House or of a Committee thereof. A member wishing to raise a question of privilege has to give notice in writing to the Secretary before the commencement of the sitting on the day the question of privilege is to be raised. The question whether a matter complained of is actually a breach of privilege or contempt of the House is entirely for the House to decide as the House alone is the master of its privilege.

A question of privileges should be raised by a member at the earliest opportunity and should require the intervention of the House. The Speaker, before deciding whether the matter proposed to be raised as a question of privilege requires the intervention of the House and whether he should give his consent to the raising of the matter in the House, may give an opportunity to the person incriminated to explain his case to the Speaker.

After the Speaker has given his consent to the raising of a matter in the House as a question of privilege, the member who tabled the notice when called by the Speaker, has to ask for leave of the House to raise the question of privilege. When asking for such leave, the member concerned is permitted to make only a short statement relevant to the question of privilege. if twenty-five or more members

rise accrodingly, the House is deemed to have granted leave to raise the matter and the Speaker declares that leave is granted.

After the leave is granted by the House for raising a question of privilege, the matter may either be considered and decided by the House itself or it may be referred by the House to the Committee of Privileges for examination, investigation and report.

The Committee of Privileges: At the commencement of the House from time to time as the case may be the Speaker nominates a Committee of Privileges consisting of not more than fifteen members.

The Committee of Privileges examines every question referred to it and determines with reference to the facts of each case whether a breach of privilege is involved and if so the nature of the breach, the circumstances leading to it and makes such recommendations as it may deem fit.

Before finalising its report, the Committee of Privileges may hear the member who raised the question of privilege in the House or permit him to explain his case in written statement or hear any member of the House who may desire to place his views before the Committee on the question of privilege under consideration. The Committee has the power to send for persons, papers and records. It is a general practice for the Committee to give an opportunity to the person alleged to have committed a breach of privilege or contempt of the House to submit his explanation to the Committee in writing and also in person or through an advocate if so desired by him or considered necessary by the Committee.

After the report of the Committee is presented to the House, the Chairman or any member of the House may move that the report be taken into consideration.

SERVICING OF LEGISLATURE

The Secretary: The Secretary to the State Legislature is the Head of the Andhra Pradesh Legislature Secretariat. The appointment to the post is made by promotion or by recruitment or by transfer from the Andhra Pradesh State Legal Service or from the Andhra Pradesh

Higher Judicial Service. One must be a Law Graduate to hold the post of the Secretary to the State Legislature. The age of retirement is 58 years.

The office of the Secretary to the State Legislature is in many ways unique with high responsibilities. He heads the Secretariat which serves the representatives of the people. He advises the Speaker in all matters in general and particularly in conducting the business of the House. He assists the Chairmen of various Committees of the House for their smooth functioning. He is the Returning Officer for both biennial and by-elections to the Council of States (Rajya Sabha) and conducts the Election to the office of the President of India in Andhra Pradesh as and when these are held.

He exercises his powers on financial matters with the concurrence of the Finance Department of the Government, except those which are not covered under the delegation rules.

As the head of the Secretariat, he enjoys all powers and privileges that other Secretaries to Government Department wield. He is the appointing authority for all first level Gazetted Posts in the Department and an appellete authority for all subordinate posts. As the administrative head of the Secretariat, he has the powers of postings and allocation of subjects among officers and members of staff and has over-all supervision and takes care of the welfare of the staff.

Table 2 gives the names and tenure of successive secretaries of the Andhra Pradesh Legislature since the formation of the State.

Table 2: Successive heads of the Andhra Pradesh Legislative Secretariat.

S.No.	Name of the successive secretaries	Tenure	
		From	To
1.	Shri G.V. Choudhary	November 1956	February 1970
2.	Shri A. Shanker Reddy	March 1970	February 1975
3.	Shri G. Ramachander Naidu	March 1975	April 1977
4.	Shri K. Srirama Chary	May 1977	October 1978
5.	Shri E. Sadasiva Reddy	November 1978	October 1988
6.	Shri C. Venkatesan	November 1988	March 1990
7.	Shri A.V.G. Krishna Murthy	March 1990	till date

Before the formation of Andhra Pradesh, the Andhra State which was formed out of the composite Madras State, Sri G.V. Choudhary was the Secretary to Legislative and continued as such after the formation of Andhra Pradesh. For Hyderabad Legislative Assembly Secretariat, Sri Matmari Hanumantha Rao was the Secretary to Legislature.

The Secretariat: Till 17 August 1965 the Legislature Secretariat was treated as a distinct body and was under the administrative control of the Government in the General Administration Department. As a result of persistent demands from various quarters, the Government of Andhra Pradesh in 1965 considered the following points:

i) In consistence with the dignity and prestige of the Speaker, Legislative Assembly and of the Chairman, Legislative Council, the office and staff of the Legislature Secretariat should be a separate body answerable only to the Presiding Officers of the two Houses, but not to any Administrative Department of Government;
ii) The Secretary of the Legislature should be free to circulate files through the Speaker and the Chairman and to the Ministers concerned, instead of through the Administrative Department of Government, which is the General Administration Department; and
iii) For the above purposes, the rank and position of the Secretary should be that of a Secretary to Government and he should enjoy all the powers that any other Secretary to Government wields.

The Andhra Pradesh Cabinet at a meeting held on 20 July, 1965 under the Chairmanship of K. Brahmananda Reddy, Chief Minister accepted the proposals for the formation of the Legislature Secretariat. Orders were issued to this effect and from 17 August 1965 the status of the Legislature Department was rested to that of a Legislature Secretariat having all privileges and powers. Thus, a separate Legislature Secretariat came into existence.

The Legislature Secretariat consists of as many as 25 sections. The

main branches in the Secretariat are the Legislation, and Questions wings which deal with the subjects connected completely with the Legislative matters. The other important wing of the Secretariat is the Committee Section which provides the secretarial assistance to various Committees of the House. There are separate branches to look into the establishment matters and accounts of the staff of the Secretariat. The Secretariat also provides separate branches for payment of T.A., D.A. salaries and other amenities to the Presiding Officers, the leader of the Opposition, the Whips and the Chief Whip and the members of the Assembly. There is a separate wing for Library, Research and Reference to assist the members. The Hostels branch of the Secretariat deals with the accommodation and other amenities to the members.

The Reception and Protocol Branch of the Secretariat deals mainly with the Watch and Ward, up-keep of its premises, issue of passes to visitors and looks after the visiting dignitaries, etc. The ex-Legislators get their pension through the Pensions Wing of the Secretariat.

Library Research and Reference Service: The Andhra Pradesh Legislature Library is located in the building in which the Library of the former Hyderabad Legislative Assembly was located. After the formation of the State of Andhra Pradesh in 1956, books, Parliamentary and State Legislature Debates and Reports of various Committees of the Parliament and Legislature of the Andhra Pradesh State have also been stocked in the Library. The Library consists of more than 33,000 books on various subjects like economics, education, history, law, politics and sociology, the debates of both Houses of Parliament, Assembly and Council, Reports of various Committees of Legislature and Government Gazettes, etc.

At present the Library is subscribing to 4 Telugu, 33 English magazines, besides 8 Telugu, 12 English and 3 Urdu dailies. All the magazines and dailies are displayed on the racks. The provision for purchasing books for the Library is Rs. 1,25,000/- per annum.

News items of current as well as permanent importance are marked in the daily newspapers (both in English and Telugu), cult and pasted on one side of the papers and arranged in subjectwise folders. This process is a daily feature which serves as reference material to

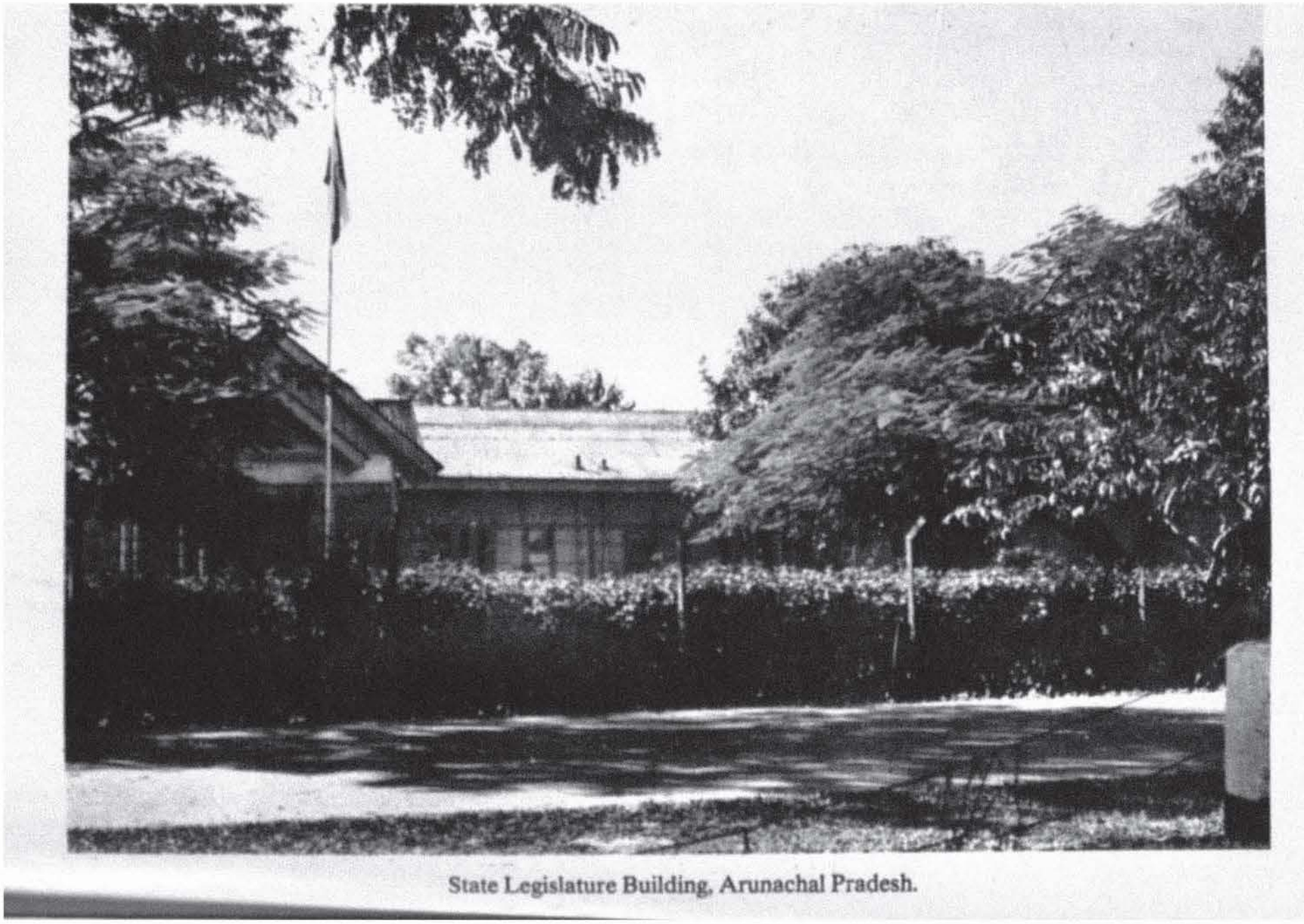
members and officers of the Legislature. Additions are made to the above paper clippings based on the news and requirements of members and the importance of certain new subjects.

Research and Reference Section:

The Andhra Pradesh Legislature Secretariat developed "Research and Reference Wing" as a part of Legislative Library. It was located in the Library premises till recently, now it is shifted to a comfortable hall in the newly constructed Administrative Building in the Assembly premises.

The Research and Reference Wing organises the dissemination of factual, objective and latest information to the members of Legislative measures and other subjects of political, constitutional and judicial interests. The main function of the Research and Reference Wing is to keep members well informed, whenever required, of important developments in Andhra Pradesh, and in the rest of the country and abroad. The information is provided in the form of background notes, bibliographical series, brief reference notes, compilations, of statistical data and other factual material in response to requisitions received from the members. Thus the services are provided by the Research and Reference Wing under the following categories.

a) Supply of on-the-spot information contained in the published documents.
b) Supply of short-range and long-range information.
c) Comparative factual and statistical data on various subjects and departments.
d) Decisions from the Chair.
e) Brief record of proceedings of the House.
f) Aids to articles and speeches on Parliamentary, Legislative, Judicial topics to the Presiding Officers and officers of the Legislative Secretariat.
g) Bibliographical service.
h) Catalogue cards to important feature articles published in the newspapers, magazines and journals.



State Legislature Building, Arunachal Pradesh.

ARUNACHAL PRADESH

ORIGIN AND GROWTH

With the enactment of the NEFA Panchayat Raj Regulation (No.3 of 1967), the grounding for the Legislative Assembly of Arunachal Pradesh was prepared. This Regulation introduced a three-tier system: Gram Panchayat at the village level, Anchal Samiti at the Block and Zilla Parishad at the District level. An apex Advisory Body, known as the Agency Council with the Governor of Assam as its Chairman, came into being on 29 December 1969.

A step further in the direction was taken with the enactment of NEFA (Administration) Supplementary Regulation, 1971 (No.4 of 1971) which provided for replacement of the Agency Council by Pradesh Council and appointment of five Counsellors, one from each District, who were in charge of various development departments. This Pradesh Council thus came into being on 2 October 1972.

As a natural outcome, the demand for a Legislative Assembly was pressed in every sitting of the Pradesh Council which made the Union Government to send a study team to assess the standard of Parliamentary acumen attained by the people of Arunachal Pradesh. The Union Government, after studying all aspects of the matter, agreed to the demand of the people for a Legislative Assembly, and on 15 August 1975, the Pradesh Council was converted into the Provisional Legislative Assembly of the Union Territory with all the members of the Pradesh Council becoming members of the Provisional Legislative Assembly and the Councillors being given the rank of Ministers.

STRUCTURE OF LEGISLATURE

Arunachal Pradesh has a unicameral Legislature ever since its

inception. The legislative Assembly was consisted of 33 members, out of whom 30 were chosen by the people by direct election and three nominated by the Union Government.

Consequent upon the formation of the State of Arunachal Pradesh with effect from 20 February 1987 the total number of seats in the Legislative Assembly was raised to 60.

The Legislative Assembly of the State, unless sooner dissolved, continues for five years from the date of appointment for its first meeting.

Parties in Legislative Assembly: There were three political parties in the Arunachal Pradesh Legislative Assembly at the time of its constitution in March 1990, viz., the Indian National Congress, the Janata Dal and the Janata Party with 37, 11 and 1 members respectively. Later, all the Janata Dal members and the Janata Party member had merged with Indian Nationl Congress.

Party Whips: There is at present neither recognised Leader of the Opposition nor whips of the opposition. The Minister of Parliamentary Affairs is the Government's Chief Whip. It is a part of his duties to advise the Government on parliamentary business and to maintain a close liaison with the ministers in regard to parliamentary business affecting their Department. He conveys the wishes of the leader to the members of the Party and keeps the leader informed of the current opinion in the Party and also the moods and inclinations of individual members when these deserve special notice.

Qualifications for Membership: To be a member of the Legislative Assembly a person should possess the following qualifications:

(a) He must be a citizen of India and should make and subscribe before some person authorised in that behalf by the Election Commission, an oath or affirmation according to the form set out for the purpose in the First Schedule to the Constitution of India.
(b) He must be not less than twenty-five years of age.

A person shall not be disqualified for being chosen, as, or for the

time being, a member of the Arunachal Pradesh Legislative Assembly if he holds any of the offices of profit specified below:-

1. Gaonbura, whether called by this or any other title.
2. Any office held in the Territorial Army or National Cadet Corps or Auxiliary Air Force or Air Defence Reserve.
3. The office of Chairman, Vice-Chairman or members of any Committees, Society, Board, authority appointed by the Government of India or the Government of any State or Union Territory specified in the First Schedule to the Constitution of India.
4. Any office under the Government, which is not whole-time office remunerated either by salary or fees.
5. The office of part-time Professor, Lecturer, Instructor or Teacher in Government educational institutions.
6. Medical practitioner rendering part-time service to Government.
7. Any office in the Home Guards.
8. The office of Village Volunteer, the SSB organisation.

With the conferment of Statehood or Arunachal Pradesh on 20 February 1987, qualifications/disqualifications, etc., for membership are guided by the relevant provisions of the Constitution and the Representation of Peoples' Act, 1951.

Oath/affirmation: A member of the Arunachal Pradesh Legislative Assembly, before taking his seat in the House, makes and subscribes before the Governor, or some persons appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose. A member who has not already made and subscribed an oath or affirmation as above, may do so at the commencement of a sitting of the Assembly as the Speaker may direct or on any day after giving previous notice in writing to the Secretary.

Salary and Other Facilities: A member of the Arunachal Pradesh legislative Assembly receives a salary of Rs. 1500 per mensem payable during the whole term of office and a daily allowance of Rs. 75 per day for the period of residence on duty. A member is also entitled to a sum

of Rs.500 per mensem as a conveyance allowance and a sum of Rs. 150 per mensem as his constitutency allowance. As regards the travelling allowance, he is entitled to an amount as admissible to a first grade officer of the State Government. Besides, a member is entitled to the following facilities:

(a) *Medical Facilities*: Members and their families are entitled to free medical facilities as applicable to a first grade officer of the State Government.
(b) *Telephone Facilities*: A member is entitled to have a telephone either at his residence or at a place where he conducts his business relating to the Assembly, subject to the condition that he shall meet the cost of installation of such telephone in full and that in regard to the recurring charges, the liability of the Government shall be limited to the reimbusement of rental charges for that telephone and charges in respect of maximum of 750 local calls made from that telephone per quarter including calls, if any, permitted free of charge.
(c) *Stenographic and Typing Facility*: Members are provided with stenographic and typing facilities as and when required by them in the Legislative Assembly Secretariat.
(d) *Research, Reference and Library Facilities*: Members avail themselves of the limited facilities available in repsect of research, reference and Library. This section of the Legislative Assembly is yet to be organised in its proper form.
(e) *Office Premises*: The ruling and the opposition members have been allotted separate rooms in the Assembly premises.
(f) *Postal and Stationery*: Members have to bear the postal and stationery expenditure themselves but they are supplied with writing pads and envelops on payment.

Resignation: If a member of the Arunachal Pradesh Legislative Assembly intends to resign his seat in the Assembly, he has to intimate in writing under his hand addressed to the Speaker. The Speaker having received that intimation in writing, informs the House that the

said member has resigned his seat in the Assembly. If the Assembly is not in session, the Speaker informs the House about this immediately after the House re- assembles. The Secretary as soon as may be after the Speaker has received such intimation from a member resigning his seat in the Assembly, notifies the vacancy in the official Gazettes and causes a copy of notification to be communicated to the Governor and to the Election Commission.

Absence from House: A member desiring permission of the House to remain absent from the sitting thereof is required to make an application specifying the period for which leave of absence is required together with the date of commencement and of termination of such leave and the ground for it. The leave of absence applied for at any time does not exceed a period of sixty days. If a member is absent from two or more consecutive sittings of a Committee without the permission of the Chairman, a motion may be moved in the House for the discharge of such member from the Committee. When, however, the members of a Committee are nominated by the Speaker, they may be discharged by the Speaker.

Expulsion: The Speaker may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the House, and the member so ordered has to do so forthwith and absent himself from the remaining period of the session.

The Speaker may, if he deems necessary, name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof. If a member is so named by the Speaker, he has to forthwith put the question that the member be suspended from the service of the House during the remainder of the session. But the House may, at any time, on a motion being made, resolve that such suspension be terminated. A member so suspended is required to forthwith quit the precincts of the House. So far there has not been any instance of any member having been expelled or suspended from membership of the House.

SESSIONS AND SITTINGS

Issue of Summons: On the summoning of the Legislative Assembly by

the Governor of Arunachal Pradesh, the Secretary issues summons to each member specifying the date and place of session at least thirty days before the date of commencement of the session.

The Governor may, under sub-section (2) of Article 174 of the Constitution from time to time, prorogue and dissolve the Assembly.

Emergent Sessions: In case of emergent sessions the members are informed by wireless, telegrams and through All India Radio about the date, time and place of such sessions.

On a request being made for a secret sitting of the Assembly, the Speaker, in consultation with the Leader of the House, decides and fixes a day or part thereof for sitting of the Assembly in secret. When the Assembly sits in secret, no stranger is permitted to be present in the Chamber, Lobby or Galleries.

The Speaker may cause a report of the proceedings of a secret sitting to be issued in a manner as he thinks fit. But no other person present keeps a note or record of the proceedings or decisions of a secret sitting, whether in part or in full.

Table 1 shows the number of sessions held by successive Assemblies since the inception of the Legislative Assembly.

Table 1: Number of sessions held by each successive House since the inception of the Assembly of Arunachal Pradesh

I. As Union Territory,	
Provisional Legislative Assembly	7
First Legislative Assembly	6
Second Legislative Assembly	12
Third Legislative Assembly	4
II. As a State,	
Provisional Legislative Assembly of the State	8
First Legislative Assembly	6

BUSINESS OF THE HOUSE

No business not included in the List of Business for the day is transacted at any meeting without the leave of the Speaker.

Business Advisory Committee: At the commencement of the House or from time to time, as the case may be, the Speaker may nominate a Committee called the Business Advisory Committee consisting of not more than six members, including the Speaker who is the Chairman of the Committee. The functions of the Committee are to recommend the time to be allocated for the discussion of the stages of Govenment Bills and such other business as the Speaker, in consultation with the Leader of the House, may direct for being referred to the Committee.

Rules of Debate: When a member rises to speak, his name is called by the Speaker. If more members than one rise at the same time, only the member whose name is so called is entitled to speak. The members speak from their seats. A private member may not read his speech but may refresh his memory by referring to notes. A member may not interrupt any member while speaking by improper expressions or noises or in any other improper manner.

The Speaker prescribes time-limit for speeches. After the member who moves a motion has spoken, other members may speak on the motion in such order as the Speaker may call upon to do. If any member who is so called upon, does not speak, he is not entitled, except with the permission of the Speaker, to speak on the motion at any later stage of the debate. No member is to speak more than once on any motion, except with the permission of the speaker. A member who has moved a motion may speak again by way of reply, and if the motion is moved by a private member, the Minister concerned may, with the permission of the Speaker, speak whether he has previously spoken or not, after the mover has replied.

The Speaker may direct any member whose conduct is in his opinion, grossly disorderly, to withdraw and such member does so forthwith and absents himself during the remainder of the day's meeting.

In the case of grave disorder arising in the House, the Speaker may, if he thinks necessary, adjourn the House or suspend any sitting for

the time to be fixed by him, but in no case the adjournment exceeds one week.

A point of order relates to the interpretation or enforcement of these rules or such provisions of the Constitution to regulate the business of the House and to raise a question which is within the conizance of the Speaker.

A point of order may be raised in relation to the business before the House at the moment. Provided that the Speaker may permit a member to raise a point of order during the interval between the termination of one item of business and the commencement of another if it relates to maintenance of order in or arrangement of business before the House.

Subject to conditions referred to in the preceding paragraphs, a member may formulate a point of order and the Speaker is to decide whether the point raised is of a point of order and, if so, gives his decision thereon which is final.

No debate, is allowed on a point of order, but the Speaker may, if he thinks fit, hear the member before giving his decision.

A point of order is not a point of privilege.

A member does not raise a point of order—

(a) to ask for information; or
(b) to explain his position; or
(c) when a question on any motion is being put to the House; or
(d) which may be hypothetical; or
(e) that Division bells did not ring or were not heard.

A member who wishes to bring to the notice of the House any matter which is not a point of order has to give notice to the Secretary in writing stating briefly the point which he wishes to raise in the House together with reasons for wishing to raise it. He is permitted to raise it, only after the Speaker has given his consent and at such time and date as the Speaker may fix. The Speaker preserves order and has all the powers necessary for the purpose of enforcing the decision.

Voting Procedure: The common methods of voting in the Arunachal Pradesh Legislative Assembly are by voice vote and by raising hands.

Proceedings: The languages used in the debates are English and Hindi. The title of the debates is also in English or Hindi, as the case may be. The debates are recorded verbatim. The time taken for issuance of the debates, both uncorrected and duly edited and printed, is rather longer because of the new set-up which is now being geared up to act with speed and accuracy.

There is no other language used, except Hindi and English in the transaction of business of this House. Therefore, there is no provision for simultaneous interpretation of the debates in the Assembly.

PRESIDING OFFICERS

The name of the member to be appointed as Speaker- *pro tem* is suggested by the Chief Minister in consultation with the Minister of Parliamentary Affairs. Normally the senior- most member of the Legislative Assembly is appointed as the Speaker-*pro tem*.

The Speaker-*pro tem* who is generally appointed to perform the duties of the Speaker on the commencement of the first session of a newly constituted Legislative Assembly, is also the person before whom the members of the Legislative Assembly make and subscribe oath or affirmation. He holds office until the Speaker has been chosen by that Assembly. The Speaker-*pro tem* draws his usual salary as a member of the Legislative Assembly.

For the election of the Speaker, the Governor fixes a date and the Secretary is required to send to every member notice of the date so fixed. At any time before 3.30 p.m. on the day preceding the date so fixed, any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and a third member as seconder.

In the case of a new Assembly, the member appointed by the Governor to perform the duties of the Speaker pending the election of a Speaker and in any other case the Deputy Speaker, or other member presiding reads out to the Assembly the names of the member who

have been duly nominated together with those of the proposers and seconders and if only one member has been so nominated, declare that member to be elected. If more than one member has been so nominated, the Assembly has to proceed to elect a Speaker by ballot.

When either at the commencement of the first meeting of the newly constituted Assembly or owing to any vacancy in the office of the Deputy Speaker at any time during the life of an Assembly, the election of a Deputy Speaker is necessary, the Governor fixes a date for holding of the election and the Secretary is required to send to every member notice of the date so fixed unless the same is announced to the House by the Speaker in the latter case. At any time before 3.30 p.m. on the date preceding the date so fixed, any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder.

The election takes place at a meeting of the Assembly. On the date fixed for election, the Speaker, or the person presiding, reads out to the Assembly the names of the members who have been duly proposed together with the names of their proposers and seconders, and if only one member has been so proposed for election, declares that person duly elected. If more than one person have been proposed, the Assembly has to proceed to elect a Deputy Speaker by ballot.

Normally the term of office of the Speaker and the Deputy Speaker is for five years from the date appointed for first meeting of the Legislative Assembly, unless sooner dissolved, with the provision that the Speaker does not vacate his office until immediately before the first meeting of the Assembly after its dissolution.

The Speaker is entitled to a salary of Rs. 2800 and a sumptuary allowance of Rs. 800 per mensem. The Deputy Speaker draws a salary of Rs. 2750 and a sumptuary allowance of Rs. 750 per month. With effect from 30 June 1987, the Speaker and the Deputy Speaker are entitled to the provision of electricity and water charges to the extent of Rs. 500 and Rs. 400 per mensem, respectively in their official residences. They are also entitled to the provision of expenditure limited to Rs. 2000 in the residence of the Deputy Speaker, for providing furniture, etc., when there is a change in incumbency. Besides, the Presiding Officers enjoy several other facilities like free

furnished accommodation, medical facilities, personal staff, staff car and security guard from the State police department.

Apart from powers expressly conferred upon him by the Constitution and the Rules of Procedure and Conduct of Busisness in the House, the Speaker enjoys certain inherent and implied powers, such as, administrative powers in relation to issue of orders for the Lobby, Galleries and for the press and visitors. The Speaker regulates the business to be conducted in the House. He preserves order in the House. If an outsider infringes the privileges of the House, the Speaker deals with the matter, and the Court cannot interfere with any such actions. He allots days for different kinds of business and prescribes time-limit for speeches. He interprets the Constitution relating to parlimentary matters and the Rules of Procedure, and on such matters his decision is final. He determines as to when a member should be called upon to speak and for how long. He puts questions to vote and announces results in the House and his announcement is final. All the members are subject to his discipline and are supposed to obey his orders and decision. He decides causes relating to breach of privilege or contempt of the House. He has to see that the expression of a member is not unparliamentary, irrelevant or inappropriate. He maintains the dignity of the House. He may ask a member to withdraw from the House for a day or part of a day for disorderly behaviour or may even suspend a member from the service of the House on a proper motion. He may adjourn or suspend the business of the House in the case of grave disorder. He issues directions to the Chairmen of various Committees on all matters relating to their working and the procedure to be followed by them. The Speaker's decision to admit notices of questions, motions, resolutions, amendments, bills, etc., is final.

It is not customary for him to enter into public correspondence with regard to proceedings of the House, or with a view to elucidating observations made by him in the House. The Speaker is not bound to give reason for his decisions and he is not bound to lay on the Table any communication or representation received by him. An order passed by the Speaker is final and there is no appeal against it. In case of a decision when the vote is equal, the Speaker has the privilege of utilising his casting vote.

The Speaker enjoys certain special powers. He has the exclusive power of certifying a Bill to be a money Bill. His permission is necessary to call the attention of a Minister to a matter of urgent public importance. His consent is necessary if a Minister who has resigned wants to make personal statement in explanation of his resignation. It is he who determines whether a motion of no-confidence in the Council of Ministers is in order. His permission is necessary to make an arrest or to serve any legal process within the precincts of the House. Even in case of arrest of a member on criminal charge, or detention under orders of an executive authority, the fact is immediately brought to the notice of the Speaker by the Executive Authority or the Magistrate.

Tables 2 and 3 show the names and tenure of the successive Speakers and the Deputy Speakers of the Legislative Assembly.

Table 2: Statement showing the names and tenure of Spekers.

Name	Tenure	
	From	To
Shri Nokme Namati	1.8.1975	13.3.1978
Shri Padi Yubbe	22.3.1978	17.9.1979
Shri Nokme Namati	30.10.1979	28.1.1980
Shri T.L. Rajkumar	29.1.1980	21.3.1985
Shri T.L. Rajkumar	22.3.1987	6.3.1990
Shri Lijum Ronya	7.3.1990	—

Table 3: Statement showing the names and tenure of Deputy Speakers

Name	Tenure	
	From	To
Shri Padi Yubbe	18.8.1975	21.3.1978
Shri Tadik Chije	22.3.1978	2.11.1979
Shri P.W. Sona	29.1.1980	2.1.1985

Name	Tenure	
	From	To
Shri Chera Talo	23.3.1985	6.3.1990
Shri C.C. Singpho	7.3.1990	—

PROCESS OF LEGISLATION

All Legislative proposals emanate from the Law Department. A Minister, who desires to introduce a Bill, has to give seven days' notice in writing of his intention to move for leave to introduce the Bill. On the day appointed for introduction of the Bill, the Speaker calls the Minister incharge who moves the motion for leave to introduce the Bill. After the Speaker has put the question and the motion is adopted, the Bill is introduced by the Minister.

If the motion for leave to introduce the Bill is opposed, the Speaker, after permitting a brief statement from the member who opposes the motion and the member who moved the motion, may without further debate, put the question. Where the motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, a full discussion may be permitted thereon. A motion for leave to introduce a Finance Bill or an Appropriation Bill, is, however, forthwith put to vote.

When a Bill is pending before the House, notice of an identical Bill, whether received before or after the introduction of the pending Bill, is removed from or not entered in the list of pending notices as the case may be unless the Speaker otherwise directs.

A Bill which is dependent wholly or partly on another Bill pending before the House may be introduced in anticipation of passing of the Bill on which it is dependent, but the second Bill can be taken up for consideration and passing only after the first Bill has been passed by the Assembly and assented to by the Governor.

As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, is published in the Gazette.

When a Bill is introduced, the Minister-in-Charge may move any of the folllowing motions:

> that the Bill be taken into consideration;
>
> that the Bill be referred to a Select Committee of the House; or
>
> that the Bill be circulated for the purposes of eliciting public opinion thereon.
>
> No such motion is made until after copies of the Bill have been available for four days before the motion is made and such objection prevails, unless the Speaker, in his discretion, allows a motion to be made. On the day on which any such motion is made or on any subsequent day to which the discussion is postponed, the principle of the Bill and its provisions may be discussed generally but the details of the Bill are not discussed further than is necessary to explain its principle.

At this stage no amendment to the Bill may be moved, but if the member incharge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting public opinion thereon by a date to be mentioned in the motion.

Where a motion that a Bill be circulated for the purpose of eliciting public opinion has been carried in the Assembly and the Bill has been circulated in accordance with that direction and opinions have been received thereon by the date mentioned in the motion, the member incharge, if he wishes to proceed with the Bill thereafter, moves that the Bill be referred to a Select Committee, unless the Speaker in his discretion, allows a motion to be made that the Bill be taken into consideration.

No motion that a Bill be taken into consideration or be passed is made by any member other than the member incharge of the Bill or by any other member authorised by him and permitted to do so by the Speaker and no motion that a Bill be referred to a Select Committee or be circulated or re-circulated for the purpose of eliciting public opinion thereon, is made by any member other than the member incharge, except by way of amendment to a motion made by the member incharge.

After the presentation of final report of a Select Committee on a Bill, the member incharge may move:

(i) that the Bill as reported by the Select Committee be taken into consideration, but any member may object to its being so taken into consideration if a copy of the report has not been available for the use of member for four days and such objection prevails unless the Speaker, in exercise of his discretion, alows the report to be taken into consideration; or

(ii) that the Bill be recommitted, either —

(a) without limitation, or

(b) with respect to particular clauses or amendments only, or

(c) with instructions to the Select Committee to make some particular or additional provisions in the Bill.

If the member incharge moves that the Bill be taken into consideration, any member may move, as an amendment, that the Bill be recommitted.

The debate on a motion that the Bill as reported by the Select Committee be taken into consideration shall be confined to consideration of the report of the Committee and the matters referred to in that report or any alternative suggestion consistent with the principle of the Bill.

If notice of a proposed amendment has not been sent to the Secretary two clear days before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection prevails unless the Speaker, in his discretion, allows the amendment to be moved. The Secretary causes a copy of every notice of a proposed amendment to be made available for the use of each member.

If any member desires to move an amendment which under the Constitution cannot be moved without the previous sanction of the President or previous sanction or recommendation of the Governor, the Secretary has to forward the same to the President or the Governor as the case may be with a copy to the Minister concerned for necessary sanction or recommendation and the amendment cannot be moved unless such sanction or recommendation is received.

But no previous sanction or recommendation of the Administrator required if an amendment seeks to —

(a) abolish or reduce the limits of the tax proposed in the Bill or amendment, or
(b) increase such tax up to the limits of an existing tax.

The orders of the President or the Governor granting or withholding the sanction or recommendation to an amendment to a Bill is communicated to the Secretary by the Minister concerned in writing.

The Speaker has power to select the new clause or amendments to be proposed, and, if he thinks fit, calls upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgement upon it.

Amendments, of which notice has been given are, as far as practicable, arranged in the list of amendments, which from time to time, in the order, in which they may be called. In arranging amendments raising the same question at the same point of a clause, precedence may be given to an amendment moved by the member incharge of the Bill. Subject, as aforesaid, amendments may be arranged in the order in which notices thereof are received.

Amendments are ordinarily considered in the order of the clause to which they respectively relate.

When a motion that a Bill be taken into consideration has been carried, any member may, when called upon by the Speaker, move an amendment to the Bill of which he has previously given notice. Provided that in order to save time and repetition of arguments, a single discussion may be allowed to cover a series of interdependent amendments.

An amendment moved may, by leave of the House but not otherwise, be withdrawn, on the request of the member moving it. If an amendment has been proposed to an amendment, the original amendment is not to be withdrawn until the amendment proposed to it has been disposed of.

Notwithstanding anything contained in the foregoing paras, it is in

the discretion of the Speaker, when a motion that the Bill be taken into consideration has been carried, to submit the bill or any part of the Bill, to the Assembly, clause by clause. When this procedure is adopted, the Speaker calls each clause, separately, and when the amendments relating to it have been dealt with puts the question that this clause or (as the case may be) this clause as amended, stands part of the Bill. The Speaker may, if he thinks fit, postpone the consideration of a clause.

The consideration of the schedule or schedules, if any, follows the consideration of clauses. Schedules are put from the Chair, and may be amended, in the same manner as clauses, and the consideration of new schedules follows the consideration of the original schedules. The question is then put "that this schedule (or, that this schedule as amended, as the case may be) do stand part of the Bill". But the Speaker may allow the schedule or schedules, if any, being considered before the clauses are disposed of alongwith a clause or otherwise as he may think fit.

The Speaker may, if he thinks fit, put as one question clauses and/or schedules, or clauses and/or schedules as amended as the case may be, together to the vote of the House:

Provided that if a member requests that any clause or schedule, or any clause or schedule as amended, as the case may be, be put separately, the Speaker puts that clause or schedule, or clause or schedule as amended, as the case may be, separately.

Clause one, the Enacting Formula, the Preamble, if any, and Title of a Bill stand postponed until the other clause and schedules (including new clauses and new schedules) have been disposed of and the Speaker then puts the question: "That clause one, or the Enacting Formula, or the Preamble or the Title (on that clause one, Enacting Formula, Preamble or Title, as amended, as the case may be) do stand part of the Bill".

At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker.

The member incharge of a Bill may at any stage of the Bill move for leave to withdraw the Bill on the ground that —

(a) the legislative proposal contained in the Bill is to be dropped; or

(b) the Bill is to be replaced subsequently by a new Bill which substantially alters the provisions contained therein, or

(c) the Bill is to be replaced subsequently by another Bill which includes all or any of its provisions in addition to other provisions;

and if such leave is granted, no further motion is to be made with reference to the Bill:

Provided that where a Bill is under consideration by a Select Committee of the House, notice of any motion for the withdrawal of the Bill automatically stands referred to the Committee and after the Committee has expressed its opinion in a report to the Assembly, the motion is set down in the List of Business.

If a motion for leave to withdraw a Bill is opposed, the Speaker may, if he thinks fit, permit the member who moves and the member who opposes the motion to make brief explanatory statements and may, thereafter, without further debate, put the question.

If no amendment be made when a motion that a Bill be taken into consideration has been agreed to by the Assembly, the Bill may at once be passed. If any amendment be made, any member may object to the passing of the Bill at the same meeting, and such objection prevails unless the Speaker, in his discretion allows the Bill to be passed. Where the objection prevails, the Bill is brought forward again at a future meeting, and may then be passed with or without further amendment.

The discussion on a motion that the Bill or the Bill as amended, as the case may be, be passed is confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech, a member does not refer to the details of the Bill further than is necessary for the purpose of his arguments which are of general character.

The Speaker has power to correct patent errors and make such other changes in the Bill as are consequential upon the amendments ac-

cepted by the House and the Bill passed and so revised is signed by the Speaker.

In case the Bill passed is a Money Bill, the Speaker signs and certifies the same in accordance with the provision of Article 199(4) of the Constitution.

After a Bill has been so authenticated by the Speaker, the Secretary sends the authenticated copy to the Government for assent.

One copy of the Bill so assented to and received from the Government is preserved for verification and record and is not allowed to pass out of the custody of the House without the permission of the Speaker.

When a Bill passed by the Assembly is returned by the Governor with a message that the Assembly do reconsider the Bill or any specified provisions thereof or any such amendments as are recommended in his message, the Speaker reads the message of the Governor in the Assembly, if in session, or if it is not in session, directs that it may be circulated for the information of the members.

The Bill as passed by the Assembly and returned by the Governor for reconsideration is thereafter laid on the Table. At any time after the Bill has been so laid on the Table, any Minister in the case of a Government Bill, or in any other case, any member may give notice of his intention to move that the amendment recommended by the Governor be taken into consideration. On the day on which the motion for consideration is set down in the List of Business which is unless the Speaker otherwise directs to be not less than two days from the receipt of the notice, the member giving notice may move that the amendments be taken into consideration.

The debate on such a motion is confined to consideration of matters referred to in the message of the Governor or to any suggestion relevant to the subject matter of the amendments recommended by the Governor.

If the motion that the amendments recommended by the Governor be taken into consideration is carried, the Speaker puts the amendments to the House in such manner as he thinks most convenient for consideration.

As amendment relevant to the subject matter of an amendment

recommended by the Governor may be moved, but no further amendment is to be moved to the Bill unless it is consequential upon, incidental or alternative to, an amendement recommended by the Governor.

When all the amendments have been disposed of, the member giving notice of the motion under Rule 98 may move that the Bill as originally passed by the Assembly be passed again, or passed again as amended, as the case may be.

If the motion that the amendements recommended by the Governor be taken into consideration is not carried, the member giving notice of the motion may at once move that the Bill as originally passed by the Assembly be passed again without amendment.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

Unless the Speaker otherwise directs, not less than fifteen clear days' notice of a question is required to be given. Notice of a question is to be given in writing to the Secretary. It has to specify the official designation of the Minister to whom the question is addressed and the nature of the question (starred or unstarred).

A question relating to a matter of public importance may be asked with notice shorter than fifteen clear days and if the Speaker is of opinion that the question is of an urgent character, he may fix a day for the reply to such question.

Half-an-Hour Discussion: The Speaker allots half an hour or such time as he deems fit for raising discussion on a matter of sufficient public importance which has been the subject of a recent question, oral or written, and the answer to which needs elucidation, on a matter of fact. A member wishing to raise such matter gives notice in writing to the Secretary three days in advance of the day on which the matter is desired to be raised and shortly specifies accompanied by an explanatory note stating the reasons for raising discussion on the matter in question and supported by the signature of at least another member.

Motion of No-Confidence: A motion expressing want of confidence

in the whole Ministry or a motion censuring a Minister or a group of Ministers or a motion disapproving the action or actions of a Minister may be made with the consent of the Speaker.

Adjournment Motion: A motion for an adjournment of the business of the Assembly for the purpose of discussion of a definite matter of urgent public importance may be made with the consent of the Speaker. Notice of an adjournment motion is given before the commencement of the sitting on the day on which the motion is proposed to be made to each of the Speaker, the Minister concerned and the Secretary.

Motions: A motion on a matter of general public interest can be discussed only with the consent of the Speaker. Notice of such motion is given in writing addressed to the Secretary.

Calling Attention Notices: A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and of recent occurrence and the Minister may make a brief statement or ask for time to make a statement at a later hour or date.

Short Duration Discussion: Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised, accompanied by an explanatory note stating reasons for raising discussion on the matter in question.

Private Members' Resolution: A member, other than a Minister, who wishes to move a resolution gives ten clear days' notice before the date appointed for the disposal of Private Members' Resolution and together with the notice, submits a copy of the resolution which he wishes to move.

Governor's Address: After the delivery of the speech by the Governor, the Speaker reports to the Assembly that the Governor had been pleased to make a speech and lays a copy of the speech on the Table. The Speaker, in consultation with the leader of the House and the Business Advisory Committee, if any, allots time necessary for the discussion of the matters referred to in the Governor's Address. On such day or days or part of any day, the House is at liberty to discuss

the matters referred to in such Address on a Motion of Thanks moved by a member and seconded by another member.

Petitions: Petitions may be presented or submitted to the Assembly with the consent of the Speaker on —

(i) a Bill which has been published in the Gazette or which has been introduced in the Assembly;
(ii) any matter connected with the business pending before the Assembly; and
(iii) any matter of general public interest provided that it is not one —

(a) which falls within the congnizance of a court of law having jurisdiction in any part of India or a court of enquiry or a statutory tribunal or authority or a quasi judicial body, or a Commission;
(b) which should ordinarily be raised in Parliament or any other State Legislature;
(c) which can be raised on a substantive motion or resolution; or
(d) for which remedy is available under the law, including rules, regulations, bye laws made by the Union Government, or the State Government or an authority to which power to make such rules, regulations, etc., is delegated.

A petition may be either presented by a member or be forwarded to the Secretary, if the member does not present it himself and the Secretary reports it to the Assembly. No debate is permitted on the presentation or the making of such report.

The Committee on Petition which comprises not less than five members examines every petition referred to it, and if the petition complies with the rules, the Committee may direct that it be circulated. When circulation of the petition has not been directed, the Speaker may at any time direct that the petition be circulated. It is also the duty of the Committee to report to the House on specific complaints made in the petition referred to it after taking such

evidence as it deems fit and to suggest remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future.

No ad-hoc investigating committee of the Legislative Assembly for looking into important administrative lapses has been appointed.

BUDGET IN LEGISLATURE

The Budget: The Budget is presented to the Assembly on such day as the Governor may appoint. It comprises the following:

1. Annual Financial Statement, which contains —

Statement I	Consolidated Fund of Arunachal Pradesh.
Revenue Account	Receipts.
Revenue Account	Disbursements
Capital Account	Receipts
Capital Account	Disbursement
Statement I A	Disbursement 'Charged' on the Consolidated Fund of Arunachal Pradesh.
Statement II	Contingency Fund of Arunachal Pradesh— Receipts and Disbursements.

2. Demands for grants of the Government of Arunachal Pradesh.
3. Supplementary Demands for Grants of the Government of Arunachal Pradesh, if any.

Demands for Grants: No demand for a grant is made except on the recommendation of the Governor.

A separate demand is ordinarily made in respect of the grant proposed for each department of the Government: But the Finance Minister may include in one demand grants proposed for two or more departments, or make a demand in respect of expenditure which cannot readily be classified under a particular department. Each

demand contains, first, a statement of the total grant proposed, and then a statement of the detailed estimate under each grant divided into items.

No discussion on the Budget takes place on the day on which it is presented to the Assembly. The Budget is dealt with by the Assembly in two stages, namely:

(i) a general discussion, and
(ii) the voting on demands for grants.

On days to be appointed by the Speaker, which are not to be earlier than two days subsequent to the day on which the Budget is presented and for such time thereafter, as the Speaker may allot for this purpose, the House is at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion is moved at this stage, nor the Budget is submitted to the vote of the House. The Finance Minister has a general right of reply at the end of the discussion. The Speaker may, if he thinks fit, prescribe the time-limit for speeches.

The voting on Demands for Grants takes place on such days (not exceeding 15) as the Speaker may after consultation with the Leader of the House, allot for the purpose. The Demands for Grants are presented in such order and discussion continues for such time within the period of 15 days, as the Speaker in consultation with the Leader of the House and the Leader of the Opposition, may determine. On the day allotted, no other business except the questions is taken up without the consent of the Speaker. Motions may be moved at this stage to reduce or omit any grant but not to increase or alter the destination of a grant. No amendment to motion to reduce any grant is permissible. When several motions relating to the same demand are made they are discussed in the order in which the heads to which they relate appear in the Budget.

On the last of the days allocated, half an hour or so before the close of the usual sittings of the day, the Speaker forthwith puts every question necessary to dispose of all the outstanding matters in connection with the Demands for Grants. This procedure is not anticipated

by any motion for adjournment or be interrupted in any manner whatsoever, nor any dilatory motion is moved in regard thereto.

LEGISLATURE COMMITTEES

The enormous range and complexity of administrative functions of the Government make it imperative that the Legislature should have its own mechanism for adequate surveillance of administration. The Legislative Committees precisely fulfil this task.

Estimates Committee: The Committee consists of not more than six members who are elected by the House every year from amongst its members, according to the principle of proportional representation by means of the single transferable vote. A Minister is not elected a member of the Committee; and that if a member, after his election to the Committee, is appointed a Minister, he ceases to be a member of the Committee from the date of such appointment. The functions of the Committee are:

(a) to report what economies, improvements in organisation efficiency or administrative reform, consistent with the policy underlying the estimates, may be effected.
(b) to suggest alternative policies in order to bring about efficiency and economy in administration;
(c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
(d) to suggest the form in which the estimates shall be presented to Assembly.

Public Accounts Committee: The Committee consists of not more than six members who are elected by the House from amongst its members according to the principle of proportional representation by means of the single transferable vote. A Minister is not elected a member of the Committee. If a member, after his election to the Committee, is appointed a Minister he ceases to be a member of the Committee from the date of such appointment.

The functions of the Committee are to examine the statement of

accounts showing the appropriation of sums granted by the Assembly for the expenditure of the Government of Arunachal Pradesh, the annual financial accounts of the Government of Arunachal Pradesh and such other accounts laid before the Assembly as the Committee may think fit. While scrutinising the Appropriation Accounts of the Government of Arunachal Pradesh and the report of the Comptroller and Auditor-General thereon, it is the duty of the Committee to satisfy itself:

(a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;
(b) that the expenditure conforms to the authority which governs it; and
(c) that every re-appropriation has been made in accordance with the provisions made in their behalf under rules framed by competent authority.

It is also the duty of the Committee —

(a) to examine the statement of accounts showing the income and expenditure of state corporations, trading and manufacturing schemes, concerns and projects together with the balance sheets and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the statutory rules regulating the financing of a particular corporation, trading or manufacturing schemes or concern project and the report of the Comptroller and Auditor-General thereon;
(b) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies, the audit of which may be conducted by the Comptroller and Auditor- General of India either under the directions of the Governor or by a Statute of the Arunachal Pradesh Assembly; and

(c) to consider the report of the Comptroller and Auditor-General in cases where the Governor may have required him to conduct audit of any receipt or to examine the accounts of stores and stocks.

If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee examines with reference to the facts of each case the circumstances leading to such an excess and makes such recommendation as it may deem fit.

The other Committees existing in the Arunachal Pradesh Legislative Assembly are: (a) the Business Advisory Committee, (b) the Committee on Petitions, (c) the Committee of Privileges, (d) the Committee on Subordinate Legislation, (e) the Committee on Government Assurances, (f) the Rules Committee, (g) Library Committee and (h) the House Committee.

LEGISLATIVE PRIVILEGES

The members of the Assembly enjoy the privileges as enumerated in the Article 194 of the Constitution.

A member wishing to make a complaint of a breach of privilege gives notice in writing to the Secretary before the commencement of the sitting on the day in which it is proposed to be made. If the complaint is founded upon a document, the original thereof has to accompany the notice.

If the Speaker gives his consent, the member making the complaint, after questions and before the List of Business are entered upon, reads this complaint and makes a short statement relevant thereto. If the complaint is founded upon a document, it is to be read by one of the members complaining or if so directed by the Speaker, by the Secretary. The Speaker, after hearing any other member, if necessary, decides whether the complaint is in order or not.

If the Speaker holds the matter proposed to be discussed in order, he refers it to the Committee of Privileges for report within a period

to be specified unless he is of the opinion that the matter is such as may be disposed of by the House without reference to the Committee, in which case the member making the complaint makes a motion that the matter be taken into consideration forthwith or at some future date.

Committee of Privileges: The Committee of Privileges consists of six members nominated by the Speaker at the commencement of the Assembly or from time to time, as the case may be.

The Committee examines every question referred to it and determines with reference to the facts of each case whether a breach of privilege is involved and if so, the nature of the breach, the circumstances leading to it and make such recommendation as it may deem fit. The report may also state the procedure to be followed by the Assembly in giving effect to the recommendations made by the Committee.

SERVICING OF LEGISLATURE

The Secretary: The Secretary is the head of the Legislature Secretariat. He is appointed by the Governor of Arunachal Pradesh. The Secretary exercises his powers in respect of Legislative, financial and administrative matters with the approval and knowledge of the Presiding Officer. The age of retirement of the Secretary is as per the Union Government rules.

Table 4 gives the tenure of successive Secretaries of the Assembly Secretariat since its inception.

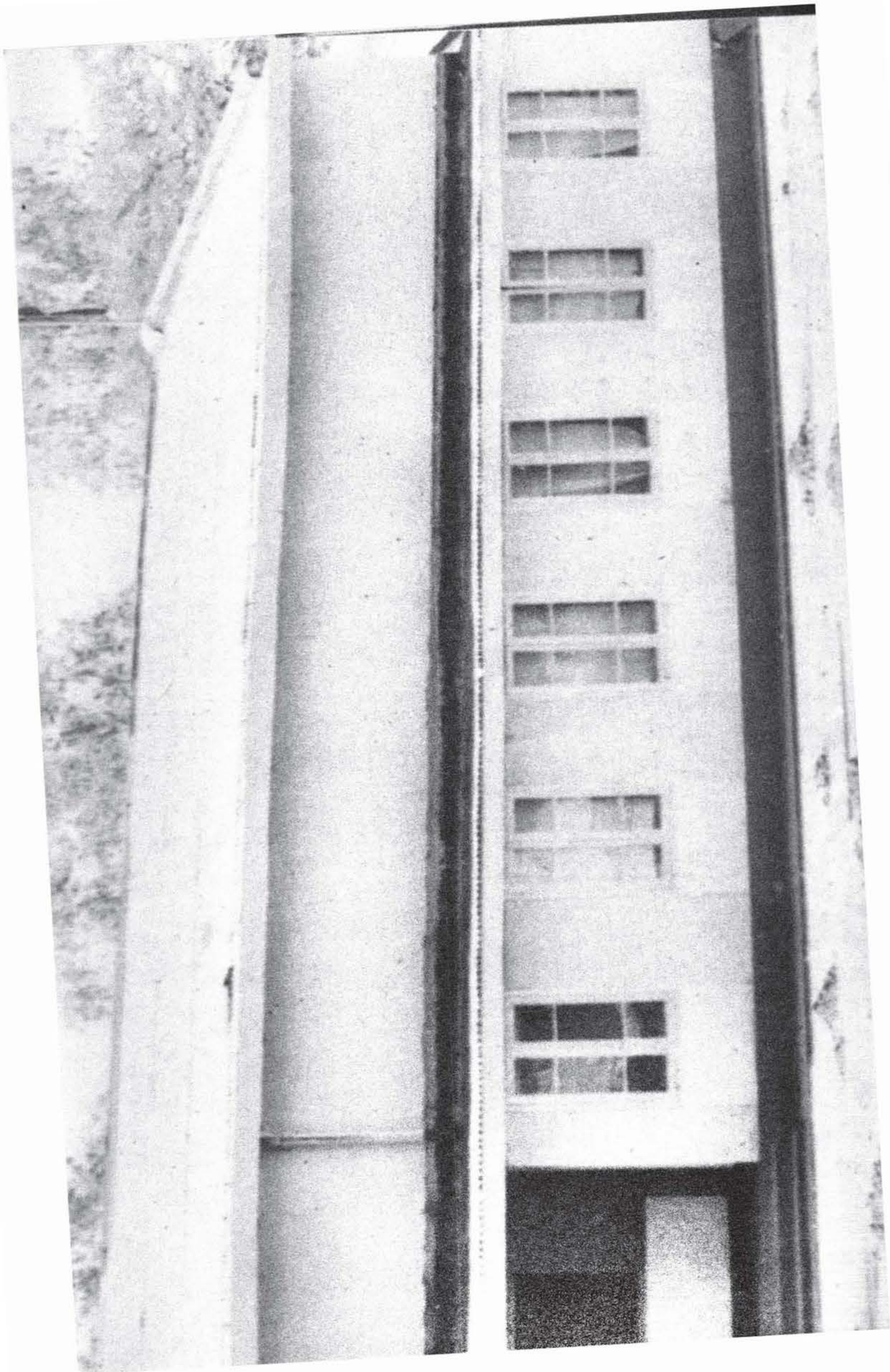
Table 4: Successive heads of the Legislative Assembly Secretariat

S.No.	Name of the Successive Secretary	Tenure	
		From	To
1.	Shri S. Krishnan	15.8.1975	11.12.1975
2.	Shri N.C. Handique	11.12.1975	10.5.1976
3.	Shri I. Namchoom	11.5.1976	24.5.1976
4.	Shri G.S. Mani	25.5.1976	25.10.1976

S.No.	Name of the Successive Secretary	Tenure From	To
5.	Shri R.P.S. Sarin	26.10.1976	14.12.1976
6.	Shri I. Namchoom	25.12.1976	30.12.1976
7.	Shri R.P.S. Sarin	31.12.1976	21.2.1977
8.	Shri M.K. Mathur	22.2.1977	8.6.1983
9.	Shri J.M. Shrivastava	8.6.1983	17.1.1984
10.	Shri A.K. Borah	18.1.1984	30.4.1986
11.	Shri U. Pulger	6.6.1986	1.5.1989
12.	Shri I. Namchoom	5.5.1989	—

The Secretariat: The nucleus staff of the Pradesh Council formed the Assembly Secretariat on the 15 August 1975 and a few posts were added. The Arunachal Pradesh Legislature Secretariat was granted independent status in June 1990. Rules regulating recruitment and conditions of services of staff appointed in the Legislature Secretariat had been framed under Article 187(3) of the Constitution. At present the various branches included in the organisation are the Legislative, Committee, Motor Vehicle, Accounts, Establishment, Nazarat and the Reporting branches.

Library: The Library of the Arunachal Pradesh Legislative Assembly is housed in one of the rooms of the annexe building. The Library is yet to be set up on proper lines. Apart from Parliamentary, Law, Legislative and allied matters, the Library contains books on various other subjects for the benefit of members.



ASSAM

ORIGIN AND GROWTH

Situated in the North-East of India, Assam has had a glorious history of her own. Popularly known as the ethnological museum of India, Assam has been described as a mini-India, having a rich diverse cultural heritage. Assam, under the provisions of the Indian Councils Act, 1861, did not have any democratic institutions of her own when in 1905 she was tagged with Eastern- Bengal. The name of the institution was "Legislative Council of Eastern-Bengal and Assam". In 1909, the Council had a strength of 40 members out of which Assam was allotted 5 seats. Later, Assam was granted a Legislative Council with 34 members, of which 13 were nominated by the Chief Commissioner and 11 were elected by the people. The first meeting of the Assam Legislative Council was held on 13 April 1913 under the Presidentship of the then Chief Commissioner of Assam, Sir Anchdale Earle, in Government House, Shillong, which had been capital of Assam for over a century since 1874. Shillong as the capital of Assam played a crucial role in drawing and redrawing the political map of Assam and deciding the density of the entire people of the North-Eastern region of India.

Under the Government of India Act, 1919, the strength of the Legislative Council was raised to 53 members with effect from 1 April, 1921. The majority of the members were elected. Forty-one seats were distributed community-wise. Of the remaining 12 seats, 7 official and five non-officials were nominated. The Legislative Council (Upper House) was a permanent body but as near as one- third of its members retired every third year. The strength of the Council was not less than 21 but not more than 22. Under the Government of India Act, 1935 provisions were made for a Legislative Assembly in each province and as a result the Legislature in Assam became bicameral. Accordingly,

← State Legislature Building, Assam.

the Assam Legislative Assembly had a strength of 108 members and all the members of the Assembly were elected members.

After the partition of India in 1947, Sylhet district of Assam was transferred to the East Pakistan by a referendum and the strength of the members of the Assembly was reduced to 71. The strength of members was again raised to 108 after Independence, out of which 77 seats were allotted for general candidates, 5 for Scheduled Castes, 7 for Plains Tribals and 19 for Hill Tribals.

The first elected Legislative Assembly constituted under the provisions of the Government of India Act, 1935 assembled for the first time in the Chamber of the Assam Legislative Assembly on 7 April 1937. It consisted of 108 elected members. The elected representatives of the first Assembly till the partition of India in 1947 consisted of member from Sylhet which is not a part of Bangladesh, and members from Nagaland, Meghalaya and Mizoram which are now independent States carved out of Assam in 1963 and 1972 respectively. Though these new States were created recently, the Assam Legislative Assembly has been serving as a link between the past and the present. The Assam Legislative Assembly has witnessed many an epoch-making events and discussed and deliberated upon them. For example, following a referendum in 1947, Sylhet district of Assam was separated from Assam. Similarly, in 1963, Nagaland, a district of Assam, was granted Statehood and in 1970 Meghalaya comprising the Khasi and Jaintia Hills and Garo Hills of Assam were granted the status of an autonomous State—a State within a State. But subsequently, with the passing of the North-Eastern Reorganisation Act in 1971, Meghalaya was granted Statehood and Mizoram was granted the status of a Union Territory. The Assam Legislative Assembly discussed all these issues and ratified these decisions with pain and regret only to bring about peace, progress and social harmony amongst the people of the North-Eastern India.

In 1972, the Government of Assam decided to shift the Capital of Assam from Shillong and made an announcement to this effect in the House. Accordingly, in 1973, the Budget Session of the Assam Legislative Assembly was held at Dispur, the temporarly Capital of Assam. The Capital was formally shifted to Dispur in 1974.

When Nagaland was carved out of Assam in December 1963, the strength of members of the Assam Assembly was reduced by three. However, after the 1961 Census, the strength of the members of Assam Legislative Assembly again rose to 126 in 1967. With the creation of Meghalaya as a full-fledged State and Mizoram a Union Territory in 1972, the strength of Assam Legislative Assembly was reduced to 117 but was again raised to 126 in 1978 on the basis of the 1971 Census.

STRUCTURE OF LEGISLATURE

The Legislature of Assam remained bicameral from 1937 to 1946. Under the India (Provincial Legislatures) Order, 1947, the Legislative Council was abolished with effect from 14 August 1947. Since then, the Legislature of Assam has been having only one House.

The present strength of the Assam Legislative Assembly is 126. There is no nominated member. The last elections in Assam were held on 6 and 8 June 1991 to constitute the 9th Assembly.

As provided in Article 172 of the Constitution normally the tenure of each Legislative Assembly is five years though the fifth Assembly had a duration of six years following the Constitution (42nd Amendment) Act. The sixth and Seventh Assemblies could not complete their full term.

Table 1 shows the tenure of each successive Assembly since Independence.

Table 1: Tenure of Legislative Assemblies

S.No.	Legislative Assembly	Tenure	
		From	To
1.	First	4.3.1952	21.12.1956
2.	Second	2.4.1957	1.3.1962
3.	Third	3.3.1962	1.3.1967
4.	Fourth	1.3.1967	15.3.1972
5.	Fifth	15.3.1972	3.3.1978
6.	Sixth	3.3.1978	19.3.1982
7.	Seventh	21.3.1983	18.8.1985
8.	Eighth	23.12.1985	27.11.1990
9.	Ninth	30.6.1991	to date

PARTIES AND MEMBERS

Parties in Legislature: The party system in Assam has been the same as elsewhere in India. The All India Political Parties, viz., Indian National Congress (I), Congress (Socialist), C.P.I.(M) and C.P.I. and some regional parties have been functioning in Assam.

Party Whips: Till the Assam Gana Parishad Government assumed the administration of the State in 1985, the Chief Whip of the Ruling Party was the Minister of Law and Parliamentary Affairs in accordance with the recommendation of the Sixth Whips Conference. After the assumption of administration by the Assam Gana Parishad, a member of the Ruling Party was appointed as the Chief Whip of the ruling Assam Gana Parishad and other recognised Legislature Parties also appointed/elected Chief Whips of their respective parties. The Chief Whip is normally responsible for coordinating the party's work inside the House. He has to issue whips to the members of the political party to remain present in the House in case of division and he gives list of members to the Presiding Officer for participating in the debates of the House. Besides, he keeps liaison with the Assembly Secretariat in all other matters.

Leader of the Opposition: The Assam Assembly enacted a law in 1978 known as the Salary and Allowances of the Leader of the Opposition in the Assam Legislative Assembly Act, 1978 and with the enactment of this law, the Speaker recognised the Leader of the largest Opposition party of the Legislative Assembly as the Leader of the Oppostion. Nothing has been laid down in the said Act about his powers. But the privileges enjoyed by the Leader of the Opposition are similar to other members of the House. The Leader of the Opposition is also entitled to a salary of Rs. 2,500/- and other facilities like free furnished quarters, conveyance, etc.

Qualifications for Membership: The qualifications for membership of the State Legislature are laid down in Article 173 of the Constitution and the same applies to the members of the Assam Legislative Assembly. Similarly, Article 191 of the Constitution lays down the conditions for disqualifications from membership and the same apply to members of the Assam Legislative Assembly, as well.

Oath/affirmation: Under Article 188 of the Constitution, every member of the Legislative Assembly, before taking his seat, is required to make and subscribe an oath or affirmation according to the form set out for the purpose in the Third Schedule of the Constitution. Normally, making of oath or subscribing affirmation is done on the first day of the House before the Speaker-*pro tem*. But afterwards, whenever any oath is to be taken, it may be done before the Speaker inside the House if there is a sitting of the House and if there is no sitting of the House, it may be done even outside the House. There have been instances in Assam when oath or affirmation has been subscribed to in the Chamber of the Speaker.

The tenure of membership is co-terminous with the tenure of the Assembly to which a member is elected either in a General Election or in a by-election.

Salary and Other Facilities: The salaries and allowances of members are regulated according to the Salaries and Allowances of Members of Assam Legislative Assembly Act, 1958 as amended from time to time. At present a member is entitled to a salary of Rs. 1,000 per month and a Constituency Allowance of Rs. 500/- per month. Besides, he is entitled to a sum of Rs. 1,000/- to meet the cost of newspapers and secretarial assistance.

Members are also entitled to residential facilities at the headquarters of the State where the sitting of the House is held and residential telephone at a place selected by the member. The members are required to pay a sum of Rs. 2 daily as residential rent. Members are also entitled to free medical treatment for themselves and their families. In addition, members are paid a sum of Rs. 5,000 per month to meet the expenses in connection with trunk call charges. Members are also entitled to get background and reference materials from the research and library services. Subject to availability of vehicles, members are sometimes allowed to take a vehicle from Government Pool to attend meetings, conferences, etc., in their constituencies.

Resignation: The procedure of resignation by a member has been laid down in Article 183 of the Constitution. The same procedure is followed in the Assam Legislative Assembly. However, Rule 186 (1) of the Rules of Procedure and Conduct of Business in Assam Legislative

Assembly further lays down that if a member desires to resign his seat in the Assembly he can intimate under his hand addressed to the Speaker, his intention to resign his seat in the Assembly in the prescribed form and may not give any reason for his resignation. But where any member gives any reason or introduces any extraneous matter, the Speaker can omit such words, phrases or matter and the same need not be read out in the House.

Absence from House: A member may remain absent from the sitting of the House in accordance with Rule 185A which reads as follows:

(1) A member desiring permission of the House to remain absent from the sitting thereof under clause (4) of Article 190 of the Constitution shall make an application in writing to the Speaker.
(2) An application under sub-rule (1) shall specify the period for which leave of absence is required indicating also the date of commencement and of termination of such leave of absence and the grounds for it;
Provided that leave of absence applied for at any time shall not exceed a period of sixty days!

In the Assam Legislative Assembly, no Committee on Absence of Members has so far been constituted and no seat has so far been declared vacant on account of absence of a member. Similarly, there has been no expulsion of any member in the Assam Legislative Assembly.

SESSIONS AND SITTINGS

The sessions of the Assam Legislative Assembly are summoned, prorogued and dissolved in accordance with the provision made in Article 174 of the Constitution.

Issue of Summons: The Chief Minister, in consultation with the Speaker, advises the Governor for summoning the Assembly under Article 174 of the Constitution. On issue of such summons by the Governor, the Secretary issues a summons to each member specifying

the date and place for a session of the House at least ten days before the date of commencement of the session.

Emergent Session: When a session is called at short notice or emergently, the summons may not be issued to each member separately but an announcement of the date and place of the session is published in the Gazette and members are informed by telegram. Such Short Notice Sessions were held during the fifth Assembly.

A statement showing the number of sessions held by each successive House since Independence and number of sittings held in each session is given in Table 2.

Table 2: The statement below shows the year-wise sitting of the Assembly during 1952 to 30 November 1986.

Year	No. of sittings	Year	No. of sittings
1952	29	1972	53
1953	38	1973	54
1954	40	1974	51
1955	34	1975	47
1956	25	1976	44
1957	29	1977	42
1958	47	1978	50
1959	33	1979	46
1960	34	1980	21
1961	34	1981	10
1962	29	1982	2
1963	38	1983	27
1964	43	1984	35
1965	46	1985	28
1966	43	1986	33
1967	44	1987	48
1968	48	1988	43
1969	49	1990	37
1970	70	1991	14
1971	50	1992	23

BUSINESS OF THE HOUSE

The notice of various items of business can be given to the Secretary within the time specified in the respective rules regarding the admission of such items of business. On days allotted for the transaction of Government business, such business does have precedence and the Secretary arranges that business in such order as the Speaker may, after consultation with the Leader of the House, determine. But such order of business is not to be varied on the day that business is set down for disposal unless the Speaker is satisfied that there is sufficient ground for such variation.

Business Advisory Committee: At the commencement of the House or from time to time, as the case may be, the Speaker may nominate a Committee called the Business Advisory Committee consisting of not more than eleven members including the Speaker who is the Chairman of the Committee.

The main function of the Committee is to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business, including the Budget, as the Speaker, in consultation with the Leader of the House, may direct for being referred to the Committee. The Committee also decides and recommends time for general discussion on the Budget and the Finance Bill as also the time for discussion on the Motion of Thanks on Governor's Address. Similarly, the Committee also recommends for extension of a sitting and also the duration of any sitting keeping in view the state of business before the House.

The Private Members' Business is taken up on Tuesdays and Fridays in each week. There is no committee on Private Members' Business in the Assembly.

Rules of Debate: Unless a members gives notice to raise a particular matter in the House, other members are allowed to speak with the permission of the Chair. The members are required to take part in the debate from their seats. Interruption is not normally allowed and whenever considered necessary, the Speaker may fix time-limit on speeches of each member. When a substantive motion

is moved, the mover gets a right of reply.

Voting Procedure: The members are entitled to demand division. Voting is recorded by voice vote, by showing of hands and by standing and finally in the Division Lobbies.

The Presiding Officer is empowered to enforce order in the House. Whenever a member obstructs the proceedings of the House the Presiding Officer can name him if the member concerned overstepped his jurisdiction.

Rules 297 and 298 deal with withdrawal, naming and suspension of members. The Speaker may direct any member whose conduct is, in his opinion grossly disorderly, to withdraw immediately from the House, and any member so ordered to withdraw has to do so forthwith and absent himself during the remainder of the day's meeting. The Speaker may, if he deems necessary, name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof. If a member is so named by the Speaker, he forthwith puts the question that the member (naming him) be suspended from the service of the House during the remainder of the session:

Provided that the House may, at any time, on a motion being made, resolve that such suspension be terminated. A member suspended under this rule has to forthwith quit the precincts of the House.

Proceedings: In Assam Legislative Assembly members are entitled to speak in four languages, viz., Assamese, Bengali, English and Hindi. The verbatim records of the proceedings are prepared by Reporters and these are published in a book form.

PRESIDING OFFICERS

The Speaker-*pro tem* is appointed by the Governor in accordance with the provision made in Article 188 of the Constitution after each General Election before whom the newly elected members make and subscribe oath or affirmation and to preside over the proceedings regarding the election of the Speaker. He is entitled to the same facilities as are admissible to the Speaker.

When at the beginning of the new Assembly or owing to a vacancy in the office of the Speaker, the election of the Speaker becomes necessary, the Governor fixes a date for the holding of such election, and the Secretary sends to every member notice of the date so fixed. At any time before 3.30 p.m. on the day preceding the date so fixed, any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating:

(a) the name of the member nominated; and
(b) that the proposer has ascertained that such member is willing to serve as Speaker, if elected.

In the case of a new Assembly, the member appointed by the Governor to perform the duties of the office of the Speaker pending the election of a Speaker and in any other case, the Deputy Speaker or the person presiding, reads out to the Assembly the names of the members who have been duly nominated together with those of the proposers and seconders and if only one member has been so nominated, declares that member to be elected. If more than one member has been so nominated, the Assembly proceeds to elect a Speaker by ballot, and in case of two candidates, the candidate obtaining the larger number of votes is declared elected. In case of equality of votes, it shall be determined by drawing of lots.

When more than two candidates have been nominated and at the first ballot —

(a) one such candidate, obtains more votes than the aggregate votes obtained by the other candidates, he shall be declared elected;
(b) if no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes is exclude from the election and the ballotting proceeds, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes

than the remaining candidate or than the aggregate votes of the candidates remaining as the case may be.

The Deputy Speaker is elected in the same way as the Speaker.

At the commencement of the Assembly or from time to time, as the case may be, the Speaker nominates from amongst the members a panel of not more than four chairmen to preside over the House in the absence of the Speaker and the Deputy Speaker.

Any resolution to remove the Speaker or the Deputy Speaker from office, of which at least fourteen days' notice as required under Article 179 of the Constitution has been given, is to be read to the Assembly by the person presiding who then requests the members who are in favour of leave being granted to move the resolution, to rise in their places, and if not less than one- fifth of the total number of members of the House rise accordingly, the person presiding allows the resolution to be moved. If less than 1/5 of the total number of members of the House rise, the person presiding informs the member who may have given the notice, that he has not the leave of the Assembly to move it. The Speaker or the Deputy Speaker against whom the resolution for removal is brought, does not preside when the motion under discussion is taken up for consideration.

The member in whose name the motion stands on the List of Business may, except when he wishes to withdraw it, move the motion when called upon to do so, but no speech is permitted at this stage. On the appointed day the resolution is included in the List of Business to be taken up after the questions and before any other business for the day is entered upon. The speech on resolution, except with the permission of the Speaker, should not exceed 15 minutes in duration.

The offices of the Speaker and the Deputy Speaker are co- terminous with the duration of each Assembly. However, under Article 179 of the Constitution, the Speaker does not vacate his office until immediately before the first meeting of the newly elected Assembly is held after the dissolution of the House.

In the warrant of precedence, the Speaker holds the position immediately after the Chief Minister and the Deputy Speaker is equated

with a Minister of State of the Government of Assam.

The salary and allowances of the Speaker and the Deputy Speaker are regulated by different Acts of the Legislature and vary from time to time. Both the Presiding Officers are entitled to free accommodation, medical treatment, personal staff, security guard, conveyance and other facilities such as free telephone, etc.

The powers, functions and the procedure of resignation of the Speaker and the Deputy Speaker have been laid down in relevant Articles of the Constitution and the same are applicable in case of the Speaker and the Deputy Speaker of the Assam Legislative Assembly.

Tables 3 and 4 show the names the tenure of the Speakers and the Deputy Speakers of the Assam Legislative Assembly since 1937.

Table 3: Statement showing the names and tenure of Speakers.

S. No.	Name	Tenure	
		From	To
1.	Shri Babu Basanta Kumar Das	7.4.1937	11.3.1946
2.	Shri D. Sarmah	12.3.1946	30.10.1947
3.	Shri L. Barooah	5.11.1947	3.3.1952
4.	Shri K. Chaliha	5.3.1952	7.6.1957
5.	Shri D.K. Barooah	8.6.1957	15.9.1959
6.	Shri M.M. Choudhury	9.12.1959	19.3.1967
7.	Shri H. Goswami	20.3.1967	10.5.1968
8.	Shri M.K. Das	27.8.1968	21.3.1972
9.	Shri R.C. Barnath	22.3.1972	20.3.1978
10.	Shri J.N. Hazarika	21.3.1978	4.9.1979
11.	Shri Sheikh Chand Mohammad	7.11.1979	7.1.1986
12.	Shri P. Borua	9.1.1986	27.7.1986
13.	Shri Jiba Kanta Gogoi	29.7.1991	till date

Table 4: Statement showing the names and tenure of Deputy Speakers.

	Name	Tenure From	To
1.	Moulavi Muhammad Amiruddin	7.4.1937	1946
2.	Mrs. Bonily Khongmen	14.3.1946	—
3.	Shri Rajendra Nath Barua	6.3.1952	1.4.1957
4.	Shri Rajendra Nath Barua	10.6.1957	28.2.1962
5.	Shri Dandeswar Hazarika	31.3.1962	28.2.1967
6.	Shri Mahi Kt. Das	31.3.1967	26.8.1968
7.	Shri Ataur Rahman	20.9.1968	9.11.1970
8.	Shri Jogen Saikia	13.11.1970	9.6.1971
9.	Shri Rohindra Nath Sen	24.5.1971	14.3.1972
10.	Shri Golak Ch. Rajbanshi	6.4.1972	3.3.1978
11.	Shri Sheikh Chand Mohammad	30.3.1978	6.11.1979
12.	Shri Giasuddin Ahmed	13.11.1979	19.3.1982
13.	Shri Nabin Ch. Kath Hazarika	25.3.1983	18.8.1985
14.	Shri Bhadreswar Buragohain	1.4.1986	1990
15.	Shri Balabhadra Tamuli	22.11.1990	8.1.1991
16.	Shri Debash Chakraborty	1.8.1991	till date

PROCESS OF LEGISLATION

Rules 64 to 104 deal with the process of legislation in the Assembly.

The Speaker, on a request being made to him, may order the publication of any Bill (together with the Statement of Objects and Reasons and the Financial memorandum accompanying it) in the Gazette, even though no motion has been made for leave to introduce the Bill. In that event it is not necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it is not necessary to publish it again.

Any member, other than a Minister, desiring to move for leave to introduce a Bill, give notice of his intention and together with the notice, submits a copy of the Bill and an explanatory statement of Objects and Reasons which does not contain argument. The period of notice of a motion for leave to introduce a Bill by the private member

is one month unless the Speaker allows the motion to be made at short notice. If a motion for leave to introduce a Bill is opposed, the Speaker after permitting, if he deems fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question thereon:

Provided that where a motion is opposed on the ground that the Bill intimates legislation outside the Legislative competence of the House, the Speaker may permit a full discussion thereon. If such motion is carried, the Secretary reads the title of the Bill, and the Bill is thereupon deemed to have been introduced in the Assembly. It is then published in the Gazette.

When a Bill is introduced, or on some subsequent occasion, the member incharge may make one of the following motions in regard to the Bill, namely —

(a) that it be taken into consideration by the Assembly either at once or at some future day to be then mentioned;
(b) that it be referred to a Select Committee composed of such members of the House and with instructions specified in the motion; or
(c) that it be circulated for the purpose of eliciting public opinion thereon.

First Reading: On the day on which any such motion is made or on any subsequent day to which the discussion is postponed, the principle of the Bill and its provisions may be discussed generally but the details of the Bill are not discussed further than is necessary to explain its principle. At this stage, no amendments to the Bill may be moved, but if the member incharge moves that the Bill —

(a) be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting public opinion thereon by a date to be mentioned in the motion, or
(b) be referred to a Select Committee, any member may move as an amendment that the Bill be circulated for the purpose

of eliciting public opinion by a date as may be mentioned in the motion.

Where a motion that a Bill be circulated for the purpose of eliciting public opinion has been carried in the Assembly and the Bill has been circulated in accordance with that direction and opinions have been recieved thereon by the date mentioned in the motion, the member incharge, if he wises to proceed with the Bill thereafter, moves that the Bill be referred to a Select Committee, unless the Speaker, in his discretion, allows a motion to be made that the Bill be taken into consideration.

After the presentation of the final report of a Select Commitee on a Bill the member incharge may move —

(i) that the Bill as reported by the Select Committee be taken into consideration, but any member may object to its being so taken into consideration if a copy of the report has not been available for the use of members for four days and such objection prevails unless the Speaker, in exercise of his discretion, allows the report to be taken into consideration; or

(ii) that the Bill be recommitted either without limitation, or with respect, to particular clauses or amendments only, or with instructions to the Select Committee to make some particular or additional provision in the Bill.

If the member incharge moves that the Bill be taken into consideration any member may move, as an amendment, that the Bill be recommitted.

Second Reading: The Second Reading relates to the clause by clause consideration of the Bill. Amendments are ordinarily considered in the order of the clauses to which they respectively relate. When a motion that a Bill be taken into consideration has been carried, any member may, when called upon by the Speaker, move an amendment, to the Bill for which he has previously given notice. The Speaker, when a motion that a Bill be taken into consideration has been carried,

submits the Bill or any part of the Bill to the Assembly, clause by clause. The Speaker calls each clause separately, and, when the amendments relating to it have been dealt with, puts the question "that this clause or (as the case may be) this clause as amended, stands part of the Bill." The Consideration of the Schedule or Schedules, if any, follows the consideration of clauses. Clause one, the Enacting Formula, the Preamble, if any, and Title of a Bill stand postpond until the other clauses and schedules (including new clauses and new schedules) have been disposed of.

Third Reading: If no amendment is made when a motion that a Bill be taken into consideration has been agreed to by the Assembly, the Bill may at once be passed. The discussion on a motion that the Bill or the Bill, as amended, as the case may be, be passed is confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech, a member does not refer to the details of the bill further than is necessary for the purpose of his arguments, which is of general character.

The Speaker has the power to correct patent errors and to make such other changes in the Bill as are consequential upon the amendments accepted by the House. In case of a Money Bill, the Speaker certifies the same. After a Bill has been so authenticated by the Speaker, it is sent to the Governor for his assent. There has been no instance of the Governor refusing to assent any Bill passed by the Assam Legislative Assembly. Bills requiring assent by the President are reserved by the Governor of Assam for his consideration and assent.

In case of ratification of the Constitution Amendment Bill, a resolution is moved by the Leader of the House and the House gives its approval to the resolution, ratifying the amendments to the Constitution. The Assam Legislative Assembly has ratified a number of Constitution Amendment Bills affecting the area, boundary, name, etc., of States such as Nagaland, Meghalaya, and Mizoram at the time of their creation.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

The Question Hour: The first hour of every meeting is available for the asking and answering of questions.

Questions are of three types: (i) Starred, (ii) Unstarred (iii) Short Notice

Starred questions are answered orally and the answers to the unstarred questions are printed or typed along with the questions. Thr starred questions should be distinguished by an asterisk. Unless the Speaker ortherwise directs, not less than 15 clear days' notice of a question is given. Notice of a question is given to the Secretary and it should specify the official disignation of the Minister to whom the question is addressed. Printed or typed copies of 'Unstarred' questions and answers are laid on the Table half an hour before the Speaker takes his seat. Only the printed or typed copies of 'starred' questions to be answered on a particular day are circulated amongst the members on the previous evening. No member is permitted to ask more than five starred questions for oral answer on any day. Any member may put supplementary questions to a starred question after it is called by the Speaker for the purpose of further elucidating any matter of fact regarding which any answer has been given. Such supplementary questions should not exceed normally six in number. With the permission of the Speaker, members can also put supplementary questions to unstarred questions. A question relating to a matter of public importance may be asked with notice shorter than 15 clear days and if the Speaker is of the opinion that the question is of an urgent character he may, in consultation with the Minister concerned, fix a day for the reply to such a question. Such questions are called immediately after the starred questions listed for the day have been disposed of, and if the question hour has either been dispensed with or has not been provided for, it may be called for answer as the first item of business, and if there is any new member to take oath or affirmation then immediately thereafter. If the Minister is unable to answer the question at Short Notice and the Speaker is of the opinion that the question is of sufficient public importance to be orally answered in the House, he may direct that the question be treated as a starred question

and be given priority and answered accordingly.

Half-an-Hour-Discussion: The Speaker allots half-an-hour or such time as he deems fit, for raising discussion on a matter of sufficient public importance which has been the subject matter of a recent question, oral or written, and the answer to which needs elucidation on a matter of fact. A member wishing to raise a matter gives notice in writing to the Secretary three days in advance of the day on which the matter is desired to be raised, and should briefly specify the point or points that he wishes to raise it. The notice is accompanied by an explanatory note stating the reasons for raising discussion on the matter in question. It should also be supported by the signature of at least another member.

Short Duration Discussion: Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. The notice is to be accompanied by an explanatory note stating reasons for raising such a discussion and must be supported by the signatures of at least two other members. If the Speaker is satsified that the matter is urgent and is of sufficient importance to be raised in the House, he may admit the notice and, in consultation with the Leader of the House, fix the date on which such matter may be taken up for discussion and allow such time for discussion, not exceeding two and a half hours as he may consider appropriate.

Calling Attention Notices: A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and of recent occurrence and the Minister may take a brief statement or ask for time to make a statement at a later hour or date. There is no debate on such statement at the time it is made. Not more than one such matter is raised after the questions and before the List of Business is entered upon and at no other time during the sitting of the House.

Adjournment Motions: A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker. Not less than one-tenth of the total members in the House should rise in their places in support of the motion in order to get the

leave of the House. The motion is taken up at such hour as the Speaker may decide.

Motion of No-Confidence: A motion expressing want of confidence in the entire Ministry or a motion censuring a Minister or a group of Ministers or a motion disapproving the action or actions of a Minister may be made with the consent of the Speaker. No motion expressing want of confidence is made against an individual Minister or a group of Ministers. If the Speaker is of the opinion that the motion is in order, he reads the motion to the Assembly and requests those members who are in favour of leave being granted to rise in their places and, if not less than one-tenth of the total number of members of the House rise accordingly, the Speaker intimates that leave is granted and that the motion is taken up on such day, not being more than ten days and not less than twenty-four hours from the time at which leave is asked, as he may appoint. If less than 1/10th of the total number of members of the House rise, the Speaker informs the member that he has not the leave of the Assembly. The Speaker, at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith puts every question necessary to determine the decision of the House on the motion. The Speaker may, if he thinks fit, prescribe a time-limit for speeches.

Private Members' Resolution: A resolution may be in the form of a declaration of opinion or a recommendation; or disapproval by the House of an act or policy of Government, or convey a message; or commend, urge or request for action; or call attention to a matter or situation for consideration by Government; or in such other form as the Speaker may consider appropriate.

A member other than a Minister, who wishes to move a resolution has to give ten clear days' notice before the date appointed for the disposal of Private Members' Resolutions and to submit, together with the notice, a copy of the resolution which he wishes to move. No member is, except with the permission of the Speaker, permitted to send in notice of more than five resolutions during one session of the Assembly. Not more than one resolution standing in the name of a member is included in the order of business for the day in question. Members securing priority in the ballot get a chance to move such resolutioons.

Governor's Address: At the commencement of the first session after each General Election to the Legislative Assembly and at the commencement of the first session of each year, the Governor addresses the Assembly as required by Article 176(1) of the Constitution. The Speaker, in consultation with the Leader of the House, and Business Advisory Committee, if any, allots time necessary for the discussion of the matter referred to in the Governor's Address. The Chief Minister or any other Minister whether he has previously taken part in the discussion or not, has, on behalf of the Government, a general right of explaining the position of the Government at the end of the discussion and the Speaker may enquire how much time is required for the speech so that he may fix the hour by which the discussion would conclude.

Petitions: Rules 105 to 113 deal with the procedure for presentation of petitions. Every petition is couched in respectful, decorous and temperate language. It may be either in Assamese or Bengali or English or Hindi. A petition has to be signed by the petitioner and set out the full name and address of every signatory to the petition. Letters, affidavits or other documents are not attached to any petition. Every petition is, if presented by a member, countersigned by him. A member, cannot present a petition from himself. Every petition is addressed to the Assembly and is concluded with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates. A member has to give advance intimation to the Secretary of his intention to present a petition. Every petition, after presentation by a member or report by the Secretary, as the case may be, stands referred to the Committee on Petitions.

At the commencement of the Assembly, or from time to time, as the case may be, the Speaker nominates a Committee on Petitions consisting of not less than five members.

The Committee examines every petition referred to it, and if the petition complies with the rules, the Committee may direct that it be circulated. Where circulation of the petition has not been directed, the Speaker may at any time direct that the petition be circulated. Circulation of the petition may be in extenso or in summary form as the Committee or the Speaker, as the case may be, may direct. It is also the duty of the Committee to report to the House on specific complaints

made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measures either in concrete form applicable to the case under review or to prevent such cases in future.

BUDGET IN LEGISLATURE

The Annual Financial Statement or the statement of the estimated receipts and expenditure of the State in respect of every financial year is called the Budget. It is presented to the Assembly by the Minister incharge of the Finance Department. No discussion on the Budget takes place on the day on which it is presented. The Budget discussion takes place in two stages, namely (i) a general discussion and (ii) the voting of Demands for Grants.

On a day or days to be appointed by the Speaker subsequent to the day on which the Budget is presented and for such time as the Speaker may allot for this purpose, the Assembly is at librety to discuss the Budget as a whole or any question of principle involved therein, but no motion is moved at this stage, nor is the Budget submitted to the vote of the Assembly. The Finance Minister has the general right of reply at the end of the discussion.

Demands for Grants: The estimates of expenditure are split up into what are called "Demands for Grants" which are arranged Ministry-wise. The Minister incharge of the Finance Department may, in his discretion, include in one demand grants proposed for two or more Departments. Each demand contains, first, a statement of the total grant proposed, and then a statement of the detailed estimates under each grant, divided into items.

The voting of Demands for Grants takes place on such days as the Speaker in consultation with the Leader of the House and the Business Advisory Committee may allot for the purpose. On a day allotted for the voting, no other business is taken up before 17.00 hrs. or at 11.30 hrs. if it is a Friday or before 16.30 hrs. on all week days except Fridays if there is any session of the Assembly from November 16 to January 15, except with the consent of the Speaker. On the last day of the days so allotted, the Speaker forthwith puts every question necessary to dispose of all the outstanding matters in connection with the Demands

for Grants; and the consideration thereof is not anticipated by any motion for adjournment or interrupted in any manner whatsoever nor is any dilatory motion moved in regard thereto.

Cut motions may be moved to reduce the amount of a demand in any of the three ways, namely the Disapproval of Policy cut, the Economy cut and the Token cut.

Supplementary, additional, excess and exceptional grants and votes on credit are regulated by the same procedure as is applicable in the case of the Demands for Grants subject to such adaptations, whether by way of modification, addition or ommission, as the Speaker may deem to be necessary or expedient.

Token Grant: When funds to meet the proposed expenditure on a new service can be made available by re-appropriation, a demand for the grant of a token sum may be submitted to the vote of the Assembly and, if the Assembly assents to the demand, funds may be so made available.

Appropriation Bill: As soon as may be after the grants have been made by the Assembly a Bill is introduced to provide for the appropriation out of the Consolidated Fund of the State of all money required to meet —

(i) the grants so made by the Assembly; and
(ii) the expenditure charged on the Consolidated Fund of the State, but not exceeding in any case the amount shown in the Budget presented to the Assembly.

The debate on an Appropriation Bill is restricted to matters of public importance or administrative policy implied in the grants covered by the Bill which have not already been raised while the relevant Demands for Grants were under consideration. The Speaker may, in order to avoid repetition of debate, require members desiring to take part in discussion on an Appropriation Bill, to give advance intimation of the specific points they intend to raise, and he may withhold permission for raising such of the points as in his opinion appear to be repetitions of the matter discussed on a Demand for Grant or as may not be of sufficient public importance. If an Appropriation Bill is in

pursuance of a Supplementary grant in respect of an existing service the discussion is confined to the items constituting the same and no discussion is raised on the original grant or the policy underlying it save insofar as it may be necessary to explain or illustrate a particular item under discussion. The Speaker fixes the time-limit for such discussion.

Finance Bill: Finance Bill means the Bill ordinarily introduced in each year to give effect to supplementary financial proposals for any period.

At any time after the introduction in the Assembly of a Finance Bill, the Speaker may allot a day or days, jointly or severally, for the completion of all or any of the stages involved in the passage of the Bill by the Assembly and when such allotment has been made, the Speaker, at 17.00 hrs. on the allotted day or at 16.30 hrs., if the Assembly sits from November 16 to January 15 except Fridays or at 11.30 a.m., if it is a Friday, or the last of the allotted days, as the case may be, forthwith puts every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the day or days have been allotted. On the motion that the Finance Bill be taken into consideration, a member may discuss matters relating to general administration local grievances within the sphere of the responsibility of the Government of Assam or monetary or finacial policy of the Government.

COMMITTEES

In the Assam Legislative Assembly there are two types of Committees, namely, the Standing Committees and the Ad hoc Committees:

The Standing Committees are the following:

(i) Public Accounts Committee
(ii) Estimates Committee
(iii) Estimates on Public Undertakings
(iv) Committee on Petitions
(v) Rules Committee

(vi) Business Advisory Committee
(vii) Committee of Privileges
(viii) Committee on Welfare of Scheduled Castes and Scheduled Tribes
(ix) Committee on Subordinate Legislation

The other two Advisory Committees are, (i) the Library Committee, and (ii) the House Committee.

Out of these, the three financial committees, viz., the Public Accounts Committee, the Estimates Committee and the Public Undertakings Committee constitute by far the most important instruments of the Legislature to ensure effective surveillance of the administration. Their composition and the functions are as follows:

Public Accounts Committee: This Committee was appointed in the Assam Legislative Council way back in 1921. At present the Committee is constituted of not more than nine members elected by the House from amongst its members according to the principle of proportional representation by means of single transferable vote. No Minister can be a member of this committee. The term of office of members of the Committee does not exceed 30 months from the date of the first formation.

The Committee examines the accounts showing the appropriation of sums granted by the Assembly for the expenditure of the Government of Assam, the annual finance accounts of the State Government and such other accounts laid before the Assembly as the Committee may think fit.

In scrutinising the Appropriation Accounts of the Government of Assam and the report of the Comptroller and Auditor-General thereon, it is the duty of the Committee to satisfy itself:

(a) that the money shown in the accounts as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged;
(b) that the expenditure conforms to the authority which

governs it; and

(c) that every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority.

It is also the duty of the Committees —

(a) to examine the statement of accounts showing the income and expenditure of State corporations, trading and manufacturing schemes, concerns and projects together with the balance sheets and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the statutory rules regulating the financing of a particular corporation, trading or manufacturing schemes or projects and the report of the Comptroller and Auditor-General thereon;

(b) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies, the audit of which may be conducted by the Comptroller and Auditor- General of India either under the directions of the Governor or by a statute of the State Assembly; and

(c) to consider the report of the Comptroller and Auditor-General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stocks.

Besides, the Committee also examines whether any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose and the circumstances leading to such an excess and makes such recommedation as it may deem fit.

Committee on Estimates: The Committee consists of not more than eleven members who are elected by the House every year from amongst its members according to the principles of proportional representation by means of the single transferable vote. No Minister can be a member of the Committee. The term of office of members of the Committee does

not exceed 30 months from the date of its first formation.

The functions of the Committee are:-

(i) to report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates, may be effected;
(ii) to suggest alternative policies in order to bring about efficiency and econmy in administration;
(iii) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
(iv) to suggest the form in which the estimates shall be presented to the Assembly.

Committee on Public Undertakings: The Committee on Public Undertakings was constituted by the end of 1974. At present it consists of not more than nine members who are elected by the House from amongst its members according to the principle of proportional representation by means of the single transferable vote like the other financial committees, no Minister can be member of the Committee. The term of office of member of the Committee does not exceed 30 months from the date of its first formation.

The functions of the Committee are:

(a) to examine the reports and accounts of the public undertakings specified in the Fourth Schedule;
(b) to examine the reports, if any, of the Comptroller and Auditor-General on the Public Undertakings;
(c) to examine, in the context of the autonomy and efficiency of the public undertakings, whether the affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices; and
(d) to exercise such other functions vested in the Committee on Public Accounts and the Committee on Estimates in relation to public undertakings specified in the Fourth Schedule as are not covered by clauses (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time.

Ad-hoc Committee: The Assam Legislative Assembly appointed an Ad-hoc Committee known as the Employment Review Committee and it has been functioning since 1969 on an ad-hoc basis. In 1987, after the introduction of a Bill called the Assam Sericulture (silk-worm, seed, cocoon and silk yarn) Control Bill, 1987, a Select Committee was constituted by the House and the term of office of the Committee was for a period of three months.

LEGISLATIVE PRIVILEGES

Some of the immunities and privileges of the Legislature and its Committees are provided in the Constitution under Article 194. These hold good for the Assam Legislative Assembly as well.

Committee of Privileges: At the commencement of the Assembly or from time to time, as the case may be, the Speaker nominates a Committee of Privileges consisting of not more than seven members.

The Committee examines every question referred to it and determines with reference to the fact of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit.

SERVICING OF LEGISLATURE

The Secretary: The Speaker of Assam Legislative Assembly is the head of the Assam Legislative Assembly Secretariat and the Secretary, Assam Legislative Assembly Secretariat is the Controlling Officer and head of the administration. He is appointed by the Speaker in consultation with the Chief Minister who is the Leader of the House. However, when President's Rule is imposed and the Council of Ministers does not function, the Secretary is appointed by the Speaker in consultation with the Governor of Assam. The Secretary of Legislative Assembly exercises the powers and functions of a Secretary to the Government of Assam and he is entitled to all such facilities that are available to Secretary to the Government. His age of superannuation is 58 years.

Table 6 gives the tenure of successive Secretaries of the Assam

Legislative Assembly Secretariat.

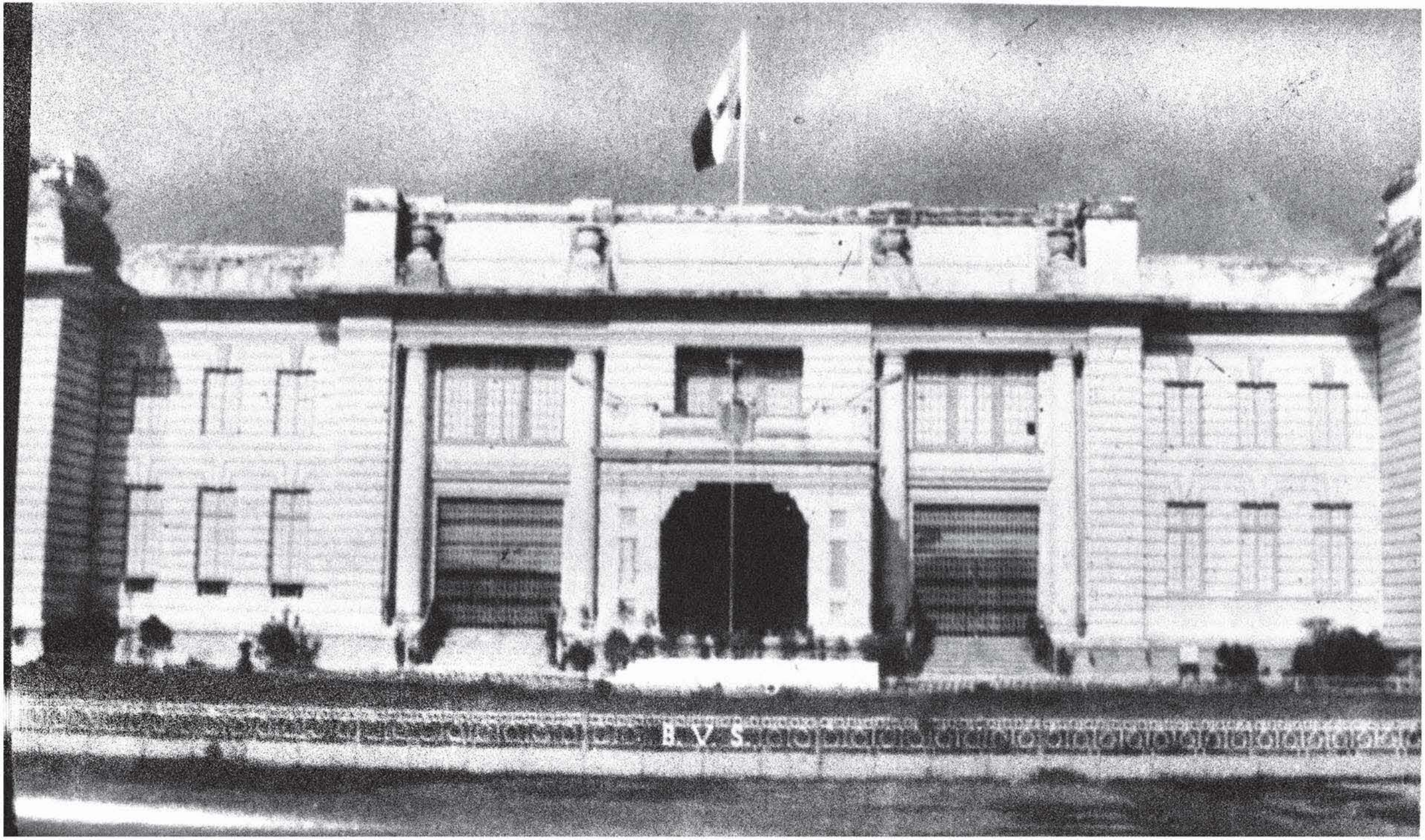
Table 6: Successive heads of the Assam Legislative Assembly Secretariat

S. No.	Name of the Successive Secretaries	Tenure	
		From	To
1.	Shri A.R. Barua	1.4.1937	1.1.1949
2.	Shri R.N. Barua	8.1.1949	15.1.1964
3.	Shri R.C. Choudhury	22.2.1964	1967
4.	Shri U.C. Tahbildar	1.1.1968	29.3.1973
5.	Shri P.D. Barua	29.3.1973	31.3.1985
6.	Dr. P.N. Hazarika	1.4.1985	31.7.1988
7.	Shri S.N. Deka	3.11.1988	till date

The Secretariat: In pursuance of the provision of Article 187 of the Constitution, the Assam Legislative Assembly adopted a resolution in 1951 redesignating the Assembly Department as Assembly Secretariat and ever since, the Assembly Secretariat has been functioning as an independent entity. The Legislative Assembly Secretariat was declared as its own Administrative Department in 1963. All proposals for creating new posts or matter requiring concurrence from Finance are directly sent to the Finance Department.

The pay scales of staff in the Assembly Secretariat normally do not correspond to the pay scales of the Civil Secretariat. However, for ministerial officers and employees, the pay scales are identical with those of the Civil Secretariat.

Library, Research, Reference and Information Services: The Assam Legislative Assembly has a Library consisting of about 36,000 books, peridicals, etc. There is a Library Committee and the Committee suggests names of periodicals, etc., for purchase by the Library. Photocopying facilities are made available to members in the Assembly Secretariat. Whenever any member desires any background material on matters that come up before the House for discussion, these are supplied by the Research and Reference Branch in collaboration with the Library.


B. V. S.

BIHAR

ORIGIN AND GROWTH

In 1912 the administrative changes announced by His Majesty the King-Emperor at the Delhi Durbar and the formation thereby of the new province of Bihar and Orissa, necessitated the formation of a new Legislative Council for the province. The Council was constituted under the Indian Councils Acts 1861-1909, as amended by the Government of India Act, 1912 and consisted of 43 members. In addition, the Lieutenant-Governor was also empowered, with the sanction of the Governor-General, to nominate on person, official or non-official, having expert knowledge on the proposed or pending legislation, to be a member of the Council. The term of office for an additional member was fixed at three years, provided that, where such additional members were officials or persons nominated as having expert knowledge, the term was three years or such shorter period as the Lt.-Governor might determine.

The Legislative Council first met in the Council Chamber at Bankipore on 20 January 1913 and all the members, before taking their seats, took the prescribed oath of allegiance to the Crown.

On 29 December 1920, the Province of Bihar and Orissa was declared to be a Governor's province and a new scheme of reforms was inaugurated from that date. Under the Government of India Act, 1919, the composition of the Council was changed and the strength of its membership was increased to seventy-six elected members. For the election of the seventy-six elected members, the province was divided up into 76 contituencies classified as follows: 66 general constituencies, viz., 42 Non-Muhammadan Rural, 15 Muhammadan Rural, 6 Non-Muhammadan Urban, and 3 Muhammadan Urban. The general constituencies covered the whole geographical area of the province,

State Legislature Building, Bihar.

each district forming one or more constituencies according to its size and population. There were also ten special constituencies of which five corresponding to the five commissioners' divisions, formed land-holders' constituences, while two special constituencies represented mining, one European, one Planning and one University interests.

Candidates for election were to belong to the male sex who had their names on the electoral roll and be proposed and seconded. A person was not qualified for election as member if he was insolvent or had been convicted of certain criminal offences, or was under 25 years of age, while an official was also not qualified for election. The validity of elections could be challenged by election petitions, which were decided by specially constituted election tribunals appointed by the Governor. If in any case, an election was declared void, a fresh election was ordered by the Governor.

The procedure of the Legislative Council was regulated by rules and standing orders. The rules, entitled the 'Bihar and Orissa Legislative Council Rules. 1920', were made under section 72 D (5) read with section 129 A of the Government of India Act by the Governor-General in Council with the sanction of the Secretary of State in Council, in the form approved by both the Houses of Parliament.

But when the Government of India Act, 1935 came into force, it gave responsibility to representatives of the electorates for all Departments of Administration with full provincial autonomy. And ultimately, in 1937, the Bihar Legislative Assembly came into existence and thus the State Legislative became a bicameral one. The Legislative Assembly had a strength of 152 members chosen directly by the people voting in territorial and special constituencies in accordance with the extended franchise qualification embodied in the Fifth and the Sixth Schedules of the Government of India Act, 1935.

The new Legislative Council as constituted was a permanent body and was not subject to dissolution as was the old unicameral Bihar and Orissa Legislative Council. It consisted of 30 members including the President. Of these, nine represented the general seats, four the Muhammadan seats, one the European seat, twelve were elected by Bihar Legislative Assembly and four were chosen by the Governor in his discretion.

The election to the Legislative Assembly took place between 22 and 29 January 1937. The Province was divided into 129 territorial constituencies, including 70 general (5 urban and 65 rural), which later included 15 seats reserved for members of scheduled castes and 7 seats reserved for representatives of backward tribes, 39 Muhammadan, 4 women including 1 Muhammadan, 1 Anglo-Indian and 2 European, besides 13 special constituences, including 1 Indian Christian, 4 representing Commerce and Industry, Mining and Planting, 4 Landholders, 3 Labour (non- Union) and 1 University.

The first session of the Bihar Legislative Council was summoned in the Secretariat Conference Room on 22 July 1937 and the first business was the swearing in of the members.

During the period 1937-1938, there were two complete sessions of the Legislative Assembly and the third session which commenced on 5 March 1938, continued up to 23 August 1938. In all, there were 58 sittings of the Assembly, of which 27 days were devoted to the transaction of financial business, three to non-official business and the remainder to the disposal of official Bills and resolutions.

Insofar as Legislative Council was concerned two complete sessions were held during the same period.

The first session was held in July-September 1937 and the second session in December of the same year. The third session also commenced on 21 March 1938 but came to a close on 24 August 1938. In all, meetings of the Council were held for 28 days, of which five days were devoted to the transaction of non-official business. The Autumn Session of the Bihar Legislative Council commenced at Patna on 25 September 1939. During the session, eight non-official Bills were introduced. The Council was prorogued *sine-die* on 14 October 1939 after passing three official Bills, viz., the Relief Fund Amendment Bill, the Places of Pilgrimage Amendment Bill and the Court Fees Amendment Bill.

After 16 October 1939, sessions of the Bihar Legislative Council and Assembly could not commence due to the resignation of the Premier of Bihar. After the resignation of the Premier, the Assembly was dissolved. Hence, from November 1939 to 1945 the Assembly was not in existence. According to the provisions of the Government of India

Act, 1935 next elections were held in Bihar in 1946, i.e., after a gap of more than six years. In exercise of the powers conferred by Section 67 of the Government of India Act 1935, the Governor appointed Dr. Sahchidanand Sinha as Speaker-*pro tem* before whom the members of the Bihar Assembly made and subscribed oath.

When the Indian Constitution came into force on 26 January 1950, the Assembly constituted under the provisions of the Government of India Act, 1935, was allowed to continue till the first General Elections. According to the provisions of the Constitution the first elections in the State were held in 1952 for 330 members of Legislative Assembly. The total strength of membership in the Assembly was 331 including one nominated member in 1952. It was reduced to 318 during the second General Elections held in the State. In 1977, the total number of elected members of the Bihar Legislative Assembly was further raised from 318 to 324.

The strength of the members of the Bihar Legislative Council was raised from 30 to 72 in 1952. It was further raised to 96 in 1957. At present the total strength of membership in the Bihar Legislative Council is 96.

STRUCTURE OF LEGISLATURE

The Legislature of the State is bicameral. It is composed of two Houses: the Legislative Council (Vidhan Parishad) and the Legislative Assembly (Vidhan Sabha). Legislative Council is a permanent body not subject to dissolution. But as nearly as possible, one-third of the members thereof retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law. The Legislative Assembly has a total strength of 324 elected members. The normal tenure of the Legislative Assembly is five years from the date appointed for its first meeting, unless dissolved sooner.

ELECTIONS, PARTIES AND MEMBERS

Party Whips: In Bihar Legislative Assembly the Chief Whip is the

Cabinet Minister who holds the charge of the Ministry of Parlimentary Affairs. Besides, each Party appoints its own Whip. The Party whip ensures the presence of members at the time of voting on a Bill or a motion. They are to oversee that the policy of the party is followed by the members of their party during the course of debates. In the Bihar Legislative Council, there is a Chief Whip and a Deputy Chief Whip who are exectutives of their own party, nominated by the Chief Minister.

Leader of the Opposition: In the Bihar Legislature (Leader of Opposition Salary and Allowances) Act, 1977, the Leader of the Opposition has been defined as a member of either House who is for the time being the leader in that House of the party in opposition to the Government having the greatest numerical strength but having strength in the ratio of 1/10; that is equal to the quorum of the House and recognised as such by the Chairman of the Bihar Legislative Council or the Speaker of the Bihar Legislative Assembly, as the case may be. He has been given the status of a Cabinet Minister and is entitled to receive a salary of Rs. 2,000/- per mensem.

Qualifications of Membership: A person is not qualified to be chosen to fill a seat in the State Legislature unless he is a citizen of India, and makes a subscribe before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule. He should not be less than twenty-five and thirty years of age in order to be chosen to fill a seat in the Legislative Assembly and Legislative Council, respectively. He should possess such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

Oath / affirmation: Every member of the Legislative Assembly and the Council, before taking his seat, makes and subscribes before the Governor, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.

Salary and Other Facilities: Every member of the Bihar State Legislative is entitled to receive a salary of Rs. 750/- per mensem from the date of which his term of office as a member commences. In addition, he gets an allowance of Rs. 300/- per month and a monthly

allowance of Rs. 2000/- for the expenditure incurred on Postage, Water, Electricity Constituency Work, Secretarial assistance, etc., with effect from the date on which he makes and subscribes oath or affirmation. Every member is also entitled for a daily allowance of Rs. 75/- for that day or part of that day for attending the sitting of the House or the Committees. A member is also paid a House Rent Allowance of Rs. 50/- per month. Besides, a member is entitled to travel facilities like free non-transferrable 1st class Rail Travel coupons for use throughout the State of Bihar and coupons for journey for 15,000 kms. per year outside the State; free non-transferable 1st class Rail Travel coupons for wife/husband only and 2nd class Rail Travel coupon for a co-traveller for use throughout the State of Bihar and 15,000 kms. outside the State; and free non-transferable pass for travel with a co-traveller on the buses of the Bihar State Road Transport Corporation outside the Town Bus service areas. In addition, a member is also entitled to the following facilities:

(a) *Housing Facilities*: Members are provided with residence at Patna and also at any other place at which a session of the Bihar Legislature may be held on payment of house rent at such concessional rate and such other conditions as the State Government may from time to time by rules determine.

(b) *Medical Facilities*: A member is entitled to medical facilities at par with a 1st Class Gazetted Officer of the State. Every member and members of his family are entitled to such facilities and concessions in respect of free medical attendance and supply of medicines and of accommodation in hospitals as the State Government, by rules, may determine from time to time. During session, a first-aid unit works in the premises of the Legislative building and an ambulance is kept as stand by.

(c) *Telephone Facilities*: Telephone facilities are provided at the Patna residence of a member and a maximum number of 15,000 local calls per year can be made. Rs. 2,000/- in respect of Trunk Calls are payable by the State Government.

(d) *Stenographic and Typing Facilities*: There is a separate

Type Section for members. No stenographer is, however, provided to members. The Chairman of a Legislative Committee is allowed to have one personal assistant selected by him from among the assistants of the State Legislature Secretariat.

(e) *Research, Reference and Library Facilities*: There is a common Library for the members of the Bihar Legislative Assembly and the Council which functions under the supervision and control of the Speaker of Legislative Assembly. It also provides research and reference facilities to members of both the Houses.

(f) *Office Premises*: No office accommodation is provided to the members in the premises of the State Legislature. The Chairman of the Committees are, however, provided separate rooms with furniture.

(g) *Postal and Stationery*: At the beginning of every session, a member is provided with two dot pens of best quality available. Each member is also provided with official letter-pads with his name and address embossed. Apart from this, a member is also provided with demi-official papers according to his requirements.

Resignation: The procedure for resignation from the membership of the Assembly/Council is the same as provided for in Section 3(B) of Article 190 of the Constitution. The Rules of Procedure and Conduct of Business in the Bihar Legislative Assembly/Council provides that a member who desires to resign from the membership of the House should under his own hand give notice of his intention to do so in the form as prescribed and should not mention any reasons for his resignation. If any member gives any reason for his resignation, the same are not read out in the House. After such notice is received by the Speaker or Chairman, as the case may be, he informs the House that such and such member has resigned his membership from the House. In case, the House is not in session, the Speaker or the Chairman, as the case may be, informs the House as soon as it assembles. As such notice is received from a member, the Secretary causes it to be published in the Gazette and for filling up that vacancy, forwards a

copy of the notification to the Election Commission.

Absence from the House: If at any time a member thinks that he is unable to attend continuously the meeting of the Legislative Council or Assembly for a period of 60 days as reckoned in Section (4) of Article 190 of the Constitution, he should apply for the permission of the Council/Assembly to remain absent for that period. After such application is received, the Chairman or the Speaker, as the case may be, and as soon as may be, reads such application before the Council/Assembly and asks the House whether it is pleased to permit the member such absence. If no one dissents, the Chairman or the Speaker, as the case may be, informs that the permission of the Council/Assembly is granted. There is no discussion on such matter and the Secretary communicates the decision of the House to the member concerned.

Expulsion: The Chairman or the Speaker, as the case may be, can direct any member who refuses to obey his orders or whose conduct in his opinion is disorderly, to go out of the House and such member upon receiving such order, is required immediately to leave the House and remains absent for the remaining part of the sitting of that day. The Chairman/Speaker, if he deems necessary can name such member who tries knowingly to disobey the authority of the Chairman/Speaker or by misusing the rules, obstructs the proceedings of the House. After such member is named, the Chairman/Speaker moves before the House that such member be suspended for a specified period. The motion being adopted, the member at once leaves the precincts of the House. But it has been provided that in the first instance such member may be suspended continuously for the sitting and on a second instance for the remaining period of the session.

SESSION AND SITTINGS

Issue of Summons: On the issue by the Governor of a notification under Article 174 of the Constitution appointing the time and place for a session of the Assembly/Council, the Secretary issues summons to each member specifying the time and place so appointed. The summons are ordinarily issued four weeks before the date so fixed. When a session is called at short notice or emergently, an announcement of

the date and place of the session is published in the Gazette and in the Press, and members are informed telegraphically.

Prorogation of Legislative Council / Assembly: A session of the Legislative Assembly or Council is prorogued by the Governor. As a notification to that effect is received, its copy is circulated among the members for information. On the termination of a session by prorogation, all pending notices except those in respect of privilege motions, motions for leave to introduce a Bill, statutory motion, motions for the amendment of the rules and the motions the consideration of which has been adjourned to the next session lapse. The Bills are carried over to the next session from the stage reached by them in the preceding session. The proceedings pending before a Committee of the House do not lapse by reason only of prorogation. The starred and unstarred questions sent to the departments of Government before the termination of the session do not lapse on prorogation of the Assembly and their replies are laid on the Table of the House during the following session.

Dissolution of Legislative Council / Assembly: The Legislative Council is a permanent body and it is not subject to dissolution. Under Article 169 of the Constitution it is for the Parliament to provide by law for the abolition of the Legislative Council if the Legislative Assembly of the State passes a resolution to that effect by not less than two-third majority. On the dissolution of the Assembly, all pending notices lapse. A motion of privilege pending before the dissolved House may be renewed or revived by a fresh motion.

BUSINESS OF THE HOUSE

Order of Business: On the days made available for the transaction of Government business, that business has precedence and the Secretary arranges that business in such order as the Leader of the House may indicate. Such order of business is not varied on the day that business is set down for disposal unless the Speaker is satisfied that there is sufficient ground for such variation. On the days made available under Rule 19 of the Rules of Procedure and Conduct of Business in Legislative Assembly, for Private Members' Business, the Speaker may allot

different days for the disposal of different class of such business and the days allotted for any particular class of business, business of that class has precedence. On days available for Private Members' Bills in any session such Bills are arranged in the following order, provided notices in respect thereof as required (by these rules) have been given:

(i) Bills to be introduced;
(ii) Bills returned by the Governor with a message under Article 200 or 201 of the Constitution;
(iii) Bills passed by the Council in respect of which the orginating House is the Assembly;
(iv) Bills introduced in and pased by the Council;
(v) Bills introduced in the Assembly in respect of which a motion has been carried that the Bills be taken into consideration;
(vi) Bills introduced in the Assembly in respect of which the report of a Joint Select Committee or a Select Committee has been presented;
(vii) Bills introduced in the Assembly in respect of which the next stage is the presentation of the report of a Joint Select Committee or a Select Committee;
(viii) Bills which have been circulated for the purpose of eliciting opinion thereon; and
(ix) Other Bills.

Business Advisory Committee: At the commencement of the House or from time to time, as the case may be, the Speaker nominates the Business Advisory Committee consisting of not more than eleven members including the Speaker who is the Chairman of the Committee. The functions of the Committee are to be recommend the time that should be allocated for the discussion of the stage or stages of such Government Bill or Bills and other Government business as the Speaker in consultation with the Leader of the House may direct for being referred to the Committee. The Committee has the power to indicate in the proposed time-table the different hours at which the various stages of the Bill and other Government business are completed. The Committee has such other functions as may be assigned

to it by the Speaker from time to time.

List of Business: A List of Business for the day is prepared by the Secretary and a copy thereof is made available for the use of every member. The Secretary may prepare a combined List of Business for more than one day. If motions of amendment are numerous they may be entered in an Appendix to the said list. A provisional programme for a session or part of a session is despatched by the Secretary to each member ordinarily at least four weeks before the commencement of the session. No business not included in the List of Business for the day is transacted at any meeting without the leave of the Speaker. Unless otherwise directed by the Speaker no business requiring notice is included in the List of Business until the period of notice necessary for it has expired. No business is transacted except in the order in which it appears in the List of Business save with the leave of the Speaker, provided that the order of any business determined by ballot is not altered except with the leave of the Assembly without any objection.

Private Members' Business: On Fridays, Private Member's Business has precedence and on all other days no business other than Government business is transacted except with the consent of the Leader of the House and the Speaker. Provided that on a motion by the Leader of the House, this rule may be suspended and the Assembly may thereupon transact Government business on a Friday. When upon the motion of the Leader of the House any Friday or a number of Fridays is utilised for the purpose of any Government business, the Speaker directs that another day or an equal number of days, as the case may be, may be made available for the transaction of Private Members' Business. This rule does not apply to the period allotted for the disposal of the financial business.

Rules of Debate: Any member desiring to move any motion or make any observation on any matter before the Assembly should rise from his seat and, if called upon by the Speaker, addresses his remarks to the Chair. If he is not so called upon, he resumes his seat. If more members than one rise at the same time, the member whose name is called upon by the Speaker is entitled to speak. If at any time, the Speaker rises or makes an observation or if a member rises on a point

of order, any member speaking should resume his seat. When the Speaker rises, he is heard in silence and no member can leave his seat or the House while he is addressing the House. No member should read his speech except with the permission of the Speaker, but he may refer to his notes while speaking. No interruption is allowed. The business of the Assembly is transacted in Hindi in Devanagri script. The Speaker may permit any member who cannot adequately express himself in Hindi to address the House in his mother tongue. If a member is allowed to address the House in his mother tongue he should submit to the Secretary a Hindi version in Devanagri script of his speech for inclusion in the proceedings of the House. The Presiding Officer has all powers to enforce order in the House and he is empowered to suspend the House until a specified period in the event of grave disorder.

Voting Procedure: On the conclusion of the debate on a motion the Speaker puts the question by asking those who are in favour of it to say 'Aye' and those who are of the contrary opinion to say 'No'. The Speaker then declares whether in his opinion the 'Ayes' or the 'Noes' have it. Method of voting by means of 'Voice vote', 'Show of hands' and 'Division in lobbies' is adopted. No electronic voting machine is being used for voting in the House.

Proceedings: The Secretary causes to prepare a full report of the proceedings of the House at each of its sittings and, as soon as practicable, publishes it in such form and manner as the Speaker may, from time to time direct. The title of the debate of the Legislative Council is 'Bihar Vidhan Parishad Vadvrit' and the language used is Hindi. The debates are recorded verbatim. In addition to the verbatim recording of proceedings, a summary of all business transacted in a day of sitting is published in the form of a summary under the title, 'Dainik Vivarnika'.

No decision is immediately recorded but it is published at the end of the session under the title 'Sabhapati ke pad se diya gaya Nirnaya' (Decisions from the Chair). Usually three months' time is taken for the printing of debates because the Legislature has no printing press of its own and the debates are to be printed at the Government press. Language used in the debates is Hindi in Devanagri script.

There is no provision for simultaneous interpretation in the House.

PRESIDING OFFICERS

Under clause I of Article 180 of the Constitution the Governor appoints the senior-most member of the Assembly as Speaker-*pro tem* to perform the duties of the office of the Speaker of the Legislative Assembly till a new Speaker is chosen under Article 178 of the Constitution.

The election of a Speaker is held on such date as the Governor may fix, and the Secretary sends to every member notice of the date. At any time before noon on the day preceding the date so fixed, any member may give notice in writing, addressed to the Secretary, of a motion that another member be chosen as the Speaker (of the House) and the notice is seconded by a third member and is accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Speaker, if elected. A member cannot propose his own name, or second a motion proposing his own name, or propose or second more than one motion. A member in whose name a motion stands on the List of Business may, when called, move the motion or withdraw the motion and confine himself to a mere statement to that effect. A candidate may also withdraw his candidature at any time before the motion is put to vote. The motions which have been moved and duly seconded are put one by one in the order in which they have been moved, and decided, if necessary, by division. If any motion is carried, the person presiding, without putting later motions, declares that the member proposed in the motion which has been carried, has been chosen as the Speaker.

As regards the election of Deputy Speaker, the procedure is the same except that in the event of a vacancy of the office of the Deputy Speaker, the date for the election of the Deputy Speaker is fixed by the Speaker.

The Speaker or Deputy Speaker once elected, can be removed from office. Any resolution to remove the Speaker or the Deputy Speaker from office, of which notice of fourteen days as required under the first proviso to Article 179 of the Constitution has been given by a member, is read to the Assembly by the person presiding. He then requests the members who are in favour of leave being granted to move the

resolution to rise in their places and if not less than fifty-one members rise accordingly, the person presiding allows the resolution to be moved. If less than fifty-one members rise, the person presiding informs the intending mover thereof that he has not the leave of the Assembly to move it. The Speaker or the Deputy Speaker cannot preside while a resolution for his (of the Speaker or of the Deputy Speaker, as the case may be) removal is under consideration.

When the offices of the Chairman and the Deputy Chairman fall vacant, the Parliamentary Affairs Department of the State Government sends a written request to the Governor to appoint one of the senior members as Chairman/Deputy Chairman-*pro tem*. The Chairman-*pro tem* is appointed by the Governor under Article 184 (I) of the Constitution. He performs all the functions of the Chairman. As a member of the Bihar Legislative Council, a Chairman-*pro tem* is entitled to receive Rs. 750/- as pay and Rs. 200/- per month as additional facilities allowance, Rs. 300/- as conveyance allowance and Rs. 50/- per month as House Rent Allowance.

For the election of the Chairman of the Legislative Council (on the first constituted Council) the Chairman-*pro tem* or the Deputy Chairman or the member presiding over the sitting of the House, reads out the names of all the proposers and seconders alongwith the names of the members nominated for the office. In case, there is only one member so proposed, that member is declared elected as Chairman. If more than one name has been proposed for election, the election is held by the House through ballot. However, no such member is nominated as Chairman who has not made or subscribed an oath or affirmation under Article 188 of the Constitution.

As regards the election of Deputy Chairman of the Legislative Council, the procedure is the same except that in the event of a vacancy of the office of the Deputy Chairman, the date for the election of the Deputy Chairman is fixed by the Chairman.

The term of office of the Chairman and the Deputy Chairman is co-extended with their terms as members of the Bihar Legislative Council.

The Chairman decides the order according to which members may take their seats in the House. On being authorised by the Governor,

he administers oath to newly elected members. After the beginning of a session, it is the Chairman who with regard to the business at hand decides when the House shall sit and, with certain exceptions, he is empowered to decide at what time the sitting of the House shall begin or end. He is empowered to adjourn the House up to seven days without taking the sense of the House. He is the authority to decide the allotment of time to each member for discussion on a motion. No business can be included in the agenda of any day's sitting without his permission. Even such motion for which notice is necessary cannot be included in the agenda before the period provided for. He nominates the Chairman and members of the statutory Committees. He is also empowered to appoint Committees for specific purposes, which are not provided for in the Rules of Procedure. He decides the admissibility of notices for different motions. He enforces order in the House and no member can speak without his permission. He decides all points of order. He is empowered to expel and order those members out from the House whose conduct in his opinion is disorderly. He has all the powers to impose his rulings and decisions in the House and in times of grave disorder, he is also empowered to adjourn the House for a specified period. He has power to expunge defamatory and unparliamentary expressions from the proceedings of the House. He admits and disallows notices of questions and decides their admissibility. He is empowered to disallow any supplementary on a question in the House. Under Rule 285 of the Rules of Procedure and Conduct of Business in the Bihar Legislative Council, all questions requiring interpretation of the Rules is decided by the Chairman whose decision is final. The Chairman has got all the powers to regulate the conduct of business in the House subject to the provision of the Constitution and the Rules and he is also empowered to issue directions for the implementation of Rules and Orders that are not at variance with the Rules governing the conduct of business in the House.

Names of successive Speakers and Deputy Speakers are given below:

List of Speakers of the Bihar Legislative Assembly:

1. Shri Ram Dayalu Sinha

2. Shri Bindhyeswar Pd. Verma
3. Dr. Lakshmi Nayan Sudhanshu
4. Shri Dhanik Lal Mandal
5. Shri Ram Narayan Mandal
6. Shri Hari Nath Mishra
7. Shri Tripurari Pd. Singh
8. Shri Radha Nandan Jha
9. Shri Shivchandra Jha
10. Mohammad Hidayatulla Khan
11. Ghulam Sarwar.

List of Dy. Speakers of the Bihar Legislative Assembly:

1. Shri Abdul Bari
2. Shri Deo Sharan Singh
3. Shri Jagat Narayan Lal
4. Shri Prabhu Nath Singh
5. Shri Satyendra Narayan Agrawal
6. Shri Yogendra Pd.
7. Shri Shakoor Ahmad
8. Shri Shakoor Ahmad
9. Shri Radha Nandan Jha
10. Shri Gajendra Pd. Himsanshu
11. Shri Shiv Nandan Paswan
12. Devendra Nath Champia

According to the warrant of precedence laid down by the State Government, the Chairman of the Legislative Council and Speaker of the Bihar Legislative Assembly and the Chief Justice of the High Court are placed just below the Chief Minister but have been given precedence over other Ministers of the Cabinet rank. The three dignitaries are at the same level, their seniority being reckoned from the date of their respective dates of assuming their offices.

PROCESS OF LEGISLATION

Legislation is one of the most important constitutional functions of the Legislature. The process of legislation starts when a Bill is presented to either House of the Legislature for approval and which, after its approval in the original or amended form by the House, is sent to the other House for its approval. After being passed by both the Houses, the Bill is sent to Governor for his assent, whereafter it becomes law.

The different stages of the legislative process are:

(i) Introduction
(ii) Debate on motion for consideration
(iii) Debate for passing the Bill.

The legislative process starts with the introduction of the Bill. The Speaker, on a request being made to him may order publication of any Bill (together with Statement of Objects and Reasons and Financial Memorandum accompanying it) in the Gazette, even though no motion has been made for leave to introduce the Bill. In that case it is not necessary to move for leave to introduce the Bill, and, if the Bill afterwards introduced, it is not necessary to publish it again.

A Bill can be introduced either by a Minister or a private member. In the case of the former, it is called a Government Bill and in the case of the latter, it is called a Private Members' Bill. In both the cases the Bills are published before introduction. After introduction, the member incharge can move that the Bill be taken up for consideration or be referred to Select Committee or Joint Select Committee for report before a specified date or be circulated for eliciting public opinion thereon.

When the report of the Committee is received, the member incharge generally moves that the Bill be taken up for consideration clause by clause and after discussion, the motion is put before the House clause by clause. After a motion that the Bill be taken into consideration has been carried and no amendment of the Bill is made, the member incharge may at once move that the Bill be passed. If any amendment of the Bill is made, any member may object to any motion being made

on the same day that the Bill be passed, and such objection prevails, unless the Speaker, in the exercise of his power to suspend the Rule (Rule 131), allows the motion to be made. Where the objection prevails, a motion that the Bill as amended be passed, may be brought forward on any future day.

When a Bill is passed by the Assembly, the Secretary shall, if necessary, complete the marginal notes and renumber the clauses thereof and make such purely formal consequential amendments therein as may be required and correct typographical errors if any, and a copy of the Bill is to be submitted to the Speaker to be signed by him. In case the Bill passed is a Money Bill, he will endorse a certificate as required under Article 199 (4) of the Constitution. When the Bill is passed by the Assembly, a copy of the Bill signed by the Speaker under Rule 133 is transmitted to the Council.

A Bill passed by the Legislative Assembly is transmitted to the other House, i.e., the Legislative Council where it is laid on the Table. This laying on the Table means that the receiving House gets official cognizance of the Bill. The procedure for passing the Bill in the other House is almost the same as in the originating House with the difference that a Bill passed by one House cannot be circulated for eliciting public opinion thereon and a Bill already referred to a Joint Select Committee of the two Houses cannot be referred to a Select Committee of the House to which it is transmitted.

Money Bills originate in the lower House. After Money Bill is passed by the Legislative Assembly, it is transmitted to the Legislative Council and the Council, within a period of fourteen days from the date of its receipt, may return the Bill to the Legislative Assembly with its recommendation, which the Assembly may accept or reject. If the Legislative Assembly does not accept any of the recommendations of the Legislative Council, such Bills are deemed to have been passed by both the Houses in the form in which it was passed by the Assembly.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

The Question Hour: The first hour of the sitting of the House is

generally devoted to questions and answers. There are two categories of questions, namely:

(i) Starred, and
(ii) Unstarred.

A member who desires to ask a question has to give fourteen days' clear notice thereof in writing to the Secretary before the meeting at which he desires to put the question. Notices of starred questions are distinguished by a member with an asterisk. Questions are answered in the House orally and in the case of written answers, these are circulated to members provided their answers are received within such time so that their inclusion in the list of questions being prepared in accordance with the provisions of Rule 89 is possible. Notice of questions which require lengthy answers or elaborate statistical information or report are treated as unstarred and their answers are laid on the Table of the House on the date fixed and circulated, provided that the questions relating to any specific matter of urgent public importance may be admitted by the Speaker on a shorter notice not exceeding seven days, and the replies to such questions are given in the House orally. No member can send notice of more than two starred questions or two short-notice questions or one starred question and one short-notice question for a day.

Motion of No-Confidence: A motion expressing want of confidence in the Council of Ministers may be made subject to the following restrictions, namely:

(a) leave to make the motion must be asked for after questions and before the List of Business for the day is entered upon.
(b) the members asking for leave must, before the commencement of the sitting for that day, leave with the Secretary a written notice of the motion which he proposes to move. If the Speaker is of the opinion that the motion is in order, he then reads the motion to the House and requests those members who are in favour of leave being granted to rise in their places, and if not less than thirty-one members rise

accordingly, the Speaker intimates that leave is granted and that the motion may be taken up on such day, not being more than ten days from the date on which the leave is asked, as he may appoint. If less than thirty-one members rise the Speaker informs the member that he has not the leave of the House. If leave is granted under Sub-Rule (2) of Rule 109, the Speaker may after considering the state of business in the House, allot a day or days or part of a day for the discussion of the motion. The Speaker, at the appointed hour on the allotted days, or as the case may be, the last of the allotted days, forthwith put every question necessary to determine the decision of the House on the motion. The Speaker may, if he thinks fit, prescribe a time-limit for speeches.

Adjournment Motions: A motion for an adjournment of the Business of the House for the purpose of discussing a definite matter of urgent public importance, may be made with the consent of the Speaker. The right to move adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance is subject to the following conditions:

(i) Not more than one matter is discussed on the same motion and the motion must be restricted to a specific matter of recent occurrence;
(ii) The motion must not revive discussion on a matter which has been discused in the same session or for the discussion of which the leave of the Assembly to make a motion of adjournment was refused in the same session;
(iii) The motion must not anticipate a matter which has been previously appointed for consideration or with reference to which a notice of motion has been previously given, regard being had by the Speaker to the probability of the matter anticipated being brought before the Assembly within a reasonable time;
(iv) The motion must not deal with a matter on which a resolution could not be moved; and

(v) The motion should not raise a question of privilege. Not more than one such motion can be made at the same sitting. A member desiring to move such a motion must hand over to the Secretary a written statement of the proposed motion not later than one hour before the commencement of the sitting at which he proposes to ask for leave of the Assembly to move his motion.

Short-Duration Discussion: Under Rule 114(9) of the Rules of Procedure and Conduct of Business in the Bihar Legislative Council and Rule 105 of the Rules of Procedure and Conduct of Business in the Bihar Legislative Assembly, any member who is desirous of raising a discussion on any matter of urgent public importance, can inform the Secretary of his intention to do so by mentioning the subject and the reason clearly and supported by the signatures of not less than two other members. When the notice comes up before the Chairman/Speaker for admission, he after consultation with the member and the Minister concerned, fixes a date for discussion on the subject in case the subect in his opinion is really of sufficient public importance.

Calling Attention Motions: A member may, with the permission of the Speaker or the Chairman, as the case may be, call the attention of the Minister to any matter of urgent public importance. But no member can give more than one such notice for a day. The Minister gives a brief statement on the subject or may ask for any other date in the same session. No discussion is permitted on the Government statement. The attention is called after the Question Hour and before the List of Business is entered upon.

Governor's Address: At the time and place appointed for the commencement and holding of the first session after each General Election to the Legislative Assembly, and the first session of each year, the Governor addresses both Houses assembled together as required by Article 176 of the Constitution provided that the making of the prescribed oath or affirmation by a member and, in the case of the first session held after General Election, the election of the Speaker may precede the Governor's Address. A debate on the Address takes place

in the Assembly on a motion made by a member and seconded by another member. The Chief Minister or any other Minister, whether he has previously taken part in the discussion or not, on behalf of the Government, has a general right of explaining the position of Government at the end of the discussion and the Speaker may enquire how much time is required for the speech so that he may fix the hour by which the discussion concludes. There is no discussion on the Address of the Governor made under Article 175 (1) of the Constitution except that the contents of the Address may be referred to in any debate in the Assembly.

Petitions: Petitions may be presented or submitted to the House with the consent of the Speaker on:

(i) a Bill which has been published or which has been introduced in the House under Rule 112 or 116;
(ii) any matter connected with the business pending before the House, and
(iii) any matter of general public importance provided that it is not one:

(a) which falls within the cognizance of a court of law having jurisdiction in any part of India or a court of enquiry or a statutory tribunal or authority or a quasi-judicial body or a commission;
(b) which can be raised on a substantive motion or resolution; or
(c) for which remedy is available under the law, including rules, regulations, bye laws made by State Government or an authority to whom power to make such rules, regulations, etc., is delegated.

Every petition is to be addressed to the House and be concluded with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates. A member gives advance intimation to the Secretary of his intention to present a petition. A petition may be presented by a member or be forwarded to the Secretary, who reports

it to the House. The report can be made in the form set out in the Third Schedule of the Rules. No debate is permitted on the presentation or the making of such report. Every petition, after presentation by a member or report by the Secretary, as the case may be, stands referred to the Committee on Petitions.

There is no provision for making representations to the Legislative Council. However, there is provision for Petitions in Rule 167 of the Rules of Procedure and Conduct of Business in the Bihar Legislative Council.

BUDGET IN LEGISLATURE

The Budget: It is the annual financial statement or the statement of the estimated receipts and expenditures of the State in respect of every financial year which is presented to the Assembly on such day as the Government may appoint. The Finance Minister presents the Budget in the Legislative Assembly. The annual Budget is presented before the beginning of the financial year and the first and second statement of supplementary expenditure are placed before the Legislature afterwards according to the convenience of the Government. The Budget is not presented to the Legislative Council. After its presentation in the Legislative Assembly a copy of the Budget is laid on the Table of the Legislative Council and is then distributed among its members.

The Budget is dealt with by the Assembly in two stages, viz., general discussion and voting of Demands for Grants. On the days to be appointed by the Speaker subsequent to the day on which the Budget is presented, the Assembly is at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion can be moved at this stage, nor is the Budget submitted to the vote of the House. The Speaker allots not more than seven days for the general discussion. The Finance Minister has a general right of reply at the end of the discussion.

The voting of demands for grants takes place on such days not exceeding twenty-one as the Speaker may, in consultation with the Leader of the House, allot for the purpose; provided that the voting of

demands is completed by the date, if any, fixed by the Speaker, at 5.00 p.m. on the last day of the days so allotted, or on the day, if any, fixed by the Speaker under the provision to Sub-Rule (1), whichever is earlier, the Speaker forthwith puts every question necessary to dispose of all outstanding matters in connection with the Demands for Grants.

No discussion is allowed on the day the Budget is laid on the Table in the Legislative Council. After the Budget is laid, the Chairman fixes the day for discussion on the Budget for such time as he may think fit for the purpose. The Council is free to discuss the entire Budget, or any principle underlying it but no motion is allowed nor the Budget is subjected to the vote of the Legislative Council. The Finance Minister has the right to reply at the end of the discussion. The Chairman, if he thinks necessary, may allot time to each member for discussion on the Budget. There is no scope for discussion on individual grants for demands for guillotine in the Legislative Council.

Vote on Account: A motion for vote on account may be made for asking the Assembly to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the voting of such grant under Rule 172 and the passing of the Appropriation Bill under the Rule 182 in relation to that expenditure. A motion for vote on account has to state the total sum required, and the various amounts needed for each department or service or item of expenditure which composes that sum which is to be stated in a schedule appended to the motion. Amendments may be moved for reduction of the whole grant or for the reduction or omission of the items whereof the grant is composed. Discussion of a general character is allowed on the motion or any amendments moved thereto, but the details of the grant are not discussed further than is necessary to develop the general points.

The Finance Bill: Finance Bill means the Bill ordinarily introduced in each year to give effect to the financial proposals of Government for the next financial year and includes a Bill to give effect to supplementary financial proposal for any period. At any time after the intorduction in the Assembly of a Finance Bill, the Speaker may allot a day or days, jointly or severally for the completion of all or any of the stages involved in the passage of the Bill by the Assembly and when such allotment has been made, the Speaker at 5 o'clock on the allotted day

or, as the case may be, the last of the allotted days, forthwith put every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the day or days have been allotted. Provided that if a Minister has a right of reply to the debate on the motion which is under discussion at 4 p.m. on that day and has not commenced his reply at that hour, the Speaker has to enquire how much time, not exceeding one hour, he requires for his reply and calls upon any member for the time being addressing the House to resume his seat at such time as leave available before 5 o'clock the amount of time which the Minister has stated that he requires for his reply.

The Appropriation Bill: As soon as may be after the grants have been made by the Assembly, a Bill is introduced to provide for the appropriation out of the Consolidated Fund of the State of all moneys required to meet the grants so made by the Assembly, and the expenditure charged on the consolidated fund of the State but not exceeding in any case the amount shown in the Budget presented to the Assembly. The debate on an Appropriation Bill is restricted to matters of public importance or administrative policy implied in the grants covered by the Bill which have not already been raised while the relevant demands for grants were under discussion. The Speaker may, in order to avoid repetition of debate, require members desiring to take part in discussion of an Appropriation Bill to give advance intimation of the specific points they intend to raise, and he may withhold permission for raising such of the points as in his opinion appear to be repetitions of the matter discussed on a demand for grant or as may not be of sufficient public importance. If an Appropriation Bill is in pursuance of a supplementary grant in respect of an existing service, the discussion is confined to the items constituting the same and no discussion is raised on the original grant nor the policy underlying it save insofar as it may be necessary to explain or illustrate a particular item under discussion.

Supplementary Grants: When in respect of any financial year further expenditure from the Consolidated Fund of the State becomes necessary over and above the expenditure thereto before authorised for that year or when a need arises during any financial year for expenditure upon some new service not contemplated in the Appropriation Act, a supplementary statement showing the estimated

amount of that expenditure is laid before the House.

Excess Grants: If in respect of any financial year money has been spent on any service for which the vote of the Assembly is necessary in excess of the amount granted for that service and for that year, a demand for the excess amount is presented to the Assembly and is dealt with in the same way by the Assembly as if it were a demand for a grant and the provisions of Rules, 171, 172, and 182 are, as far as may be, applied.

LEGISLATURE COMMITTEES

Since a House of Legislature cannot afford to examine details of all the papers and documents coming before it for the lack of time, Committees are appointed to examine the details of matters before the House takes them up. A good deal of the business in State Legislature is actually transacted in the Committees. The Legislative Council and the Legislative Assembly have a similar Committee structure, with a few exceptions. Their appointment, terms of office, functions and procedure for conducting business, are also, more or less, similar and are regulated under the provisions of the Rules made by the two Houses.

In the Bihar Legislative Assembly, a Legislative Committee is defined as the "Committee of the Vidhan Sabha" and means a Committee which is appointed or elected by the Vidhan Sabha or nominated by the Speaker and which works under the direction of the Speaker and presented its report to the House or to the Speaker. Legislative Committees are of two kinds—Standing Committees and Ad-hoc Committees. The former are elected or appointed on an ad-hoc basis as need arises, and they cease to exist, as soon as they complete the work assigned to them and submit their reports.

The members of a Committee are appointed or elected by the House on a motion made, or nominated by the Speaker, as the case may be. No member is appointed to a Committee if he is not willing to serve on it. A Committee nominated by the Speaker holds office for the period specified by him or until a new Committee is nominated. Usually the tenure of a Committee is one year. The Chairman of a Committee is appointed by the Speaker from amongst the members of

the Committee. If the Deputy Speaker is a member of the Committee, he is appointed Chairman of the Committee. The quorum to constitute a sitting of a Committee is, as near as may be, one-third of the total number of members of the Committee. The report of a Committee is presented to the House by the Chairman or in his absence by any member of the Committee.

Among the Standing Committee, there are three financial Committees, viz., Estimates Committee, Public Accounts Committee and Committee on Public Undertakings. These are the Joint Committees which function under the Legislative Assembly. Five members each for the Estimates Committee and the Public Accounts Committee and eight members for the Committee on Public Undertakings are co-opted from the Legislative Council.

Estimates Committee: This Committee takes up for the examination such of the estimates as it may deem fit or are specially referred to it by the House. The Committee consists of not more than twenty-five members including the Chairman. The members are elected by the Assembly from amongst its members according to the principle of proportional representation by means of single transferable vote. The Chairman is appointed by the Speaker. The term of office of the members of the Committee is one year. The functions of the Committee are:

(i) to report what economies, improvement in organisation, efficiency or administrative reform, consistent with the policy underlying the estimate may be affected;
(ii) to suggest alternative policies in order to bring about efficiency and economy in administration;
(iii) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
(iv) to suggest the form in which the estimates shall be presented to the Legislature.

Public Accounts Committee: There is a Committee on Public Accounts for the purpose of dealing with the Reports of the Comptrollor and Auditor-General relating to the Appropriation Account and the

Finance Accounts of the State and such other matters as the Finance Department of the Government may refer to the Committee. The Committee consists of not more than seventeen members including the Chairman. The members are elected by the Assembly according to the principle of proportional representation by means of the single transferable vote. The Chairman is appointed by the Speaker from amongst the elected members. The term of office of members of the Committee is one year. The Committee brings to the notice of the Assembly every re-appropriation within a grant which has the effect of increasing the expenditure on an item the provision for which has been specially reduced by a vote of the Assembly; in cases where the Assembly has made a specific stipulation that the money voted for a certain purpose is not diverted to any other purposes, every case of diversion of such money to any other purpose without a token vote and all expenditure which the Finance Department has requested are brought to the notice of the Assembly. In scrutinsing the Appropriation Accounts and the Finance Accounts of the State and the Report of the Comptroller and Auditor-General relating to such accounts it is, *inter alia*, the duty of the Committee to satisfy itself that the money voted by the Assembly has been spent within the scope of the demands granted by the Assembly, and to bring to the notice of the Assembly every case in which it is not so satisfied.

Committee on Public Undertakings: The Committee consists of not more than fifteen members who are elected by the Assembly from amongst its members according to the principle of proportional representation by means of single transferable vote. The term of office of the Committee is one year. The functions of the Committee are to examine the reports and accounts of Public Undertakings; to examine the reports, if any, of the Comptroller and Auditor-General and to examine, in the context of the autonomy and efficiency, if the public undertakings are being managed in accordance with sound business principles and prudent commercial practices. The Committee does not examine and investigate matters of major Government policy as distinct from business or commercial functions of the Public Undertakings, matters of day-to-day administration and matters for the consideration of which a machinery is established by the statute under which the public undertakings are established.

Besides the three financial Committees, the Legislative Asembly has the following other Committees:

(i) Business Advisory Committee
(ii) Select Committees on Bills
(iii) Joint Select Committees on Bills
(iv) Joint Committee
(v) Committee on Privilege
(vi) Library Committee
(vii) House Committee
(viii) Petitions Committee
(ix) Committee on Subordinate Legislation
(x) Committee on Government Assurances
(xi) Rules Committee
(xii) General Purpose Committee

The following Committees exist in the Legislative Council:

(i) Business Advisory Committee (7 members)
(ii) Committee on Private Members' Bill and Resolution (11 members)
(iii) Petitions Committee (15 members)
(iv) Privilege Committee (11 members)
(v) Library Committee (5 members)
(vi) Housing Committee (11 members)
(vii) Rules Committee (15 members)
(viii) Committee on Government Assurances (15 members)
(ix) Committee on Subordinate Legislation
(x) Question and Call Attention Committee (11 members)
(xi) Ganga Erosion and Water Pollution Control Committee (9 members)
(xii) Miscellaneous Committee (7 members)
(xiii) Slum Rehabilitate Committee (7 members)
(xiv) Implementation Committee (7 members)

(xv) The Scheduled Caste and Scheduled Tribes Welfare Committee
(xvi) The District Boards and Panchayati Raj Committee (7 members)

Except in the case of Estimates Committee, the Public Accounts Committee and the Committee on Public Undertakings which are joint committees, members and Chairmen of all the above sixteen Committees are nominated by the Chairman, Legislative Council. The members to be co-opted to the three aforesaid joint committees from the Legislative Council are also nominated by the Chairman after authorisation by the House. The Chairman of the Bihar Legislative Council is the *ex-officio* Chairman of the Business Advisory Committee and Rules Committee.

LEGISLATIVE PRIVILEGES

Parliamentary privilege is in the nature of a fundamental protective right enjoyed by a House of Legislature collectively as a House and, through the House by each member so as to enable the House and its members to discharge their functions without fear of penalisation. Article 194 of the Constitution confers on the Houses of Legislature, its Committees and members specific rights of freedom of speech and freedom from liability to any proceedings in a court of law in respect of anything said or any vote given in the House or any Committee thereof.

A member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member or of the House, or of a Committee thereof. A member wishing to raise a question of privilege gives notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice is accompanied by the document. The right to raise a question of privilege is governed by the conditions that not more than one question is raised at the same sitting; the question is restricted to a specific matter of recent occurrence; and the matter requires the intervention of the

House. If leave under Rule 245 is granted, the House may consider the question and come to a decision or refer it to the Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member.

Committee on Privileges: At the commencement of the House or from time to time, as the case may be, the Speaker nominates a Committee of Privileges consisting of not more than fifteen members. The Committee examines every question referred to it and determines with reference to the fact of each case whether a breach of privilege is involved, and if so, the nature of such breach, the circumstances leading to it and make such recommendations as it may deem fit.

SERVICING OF LEGISLATURE

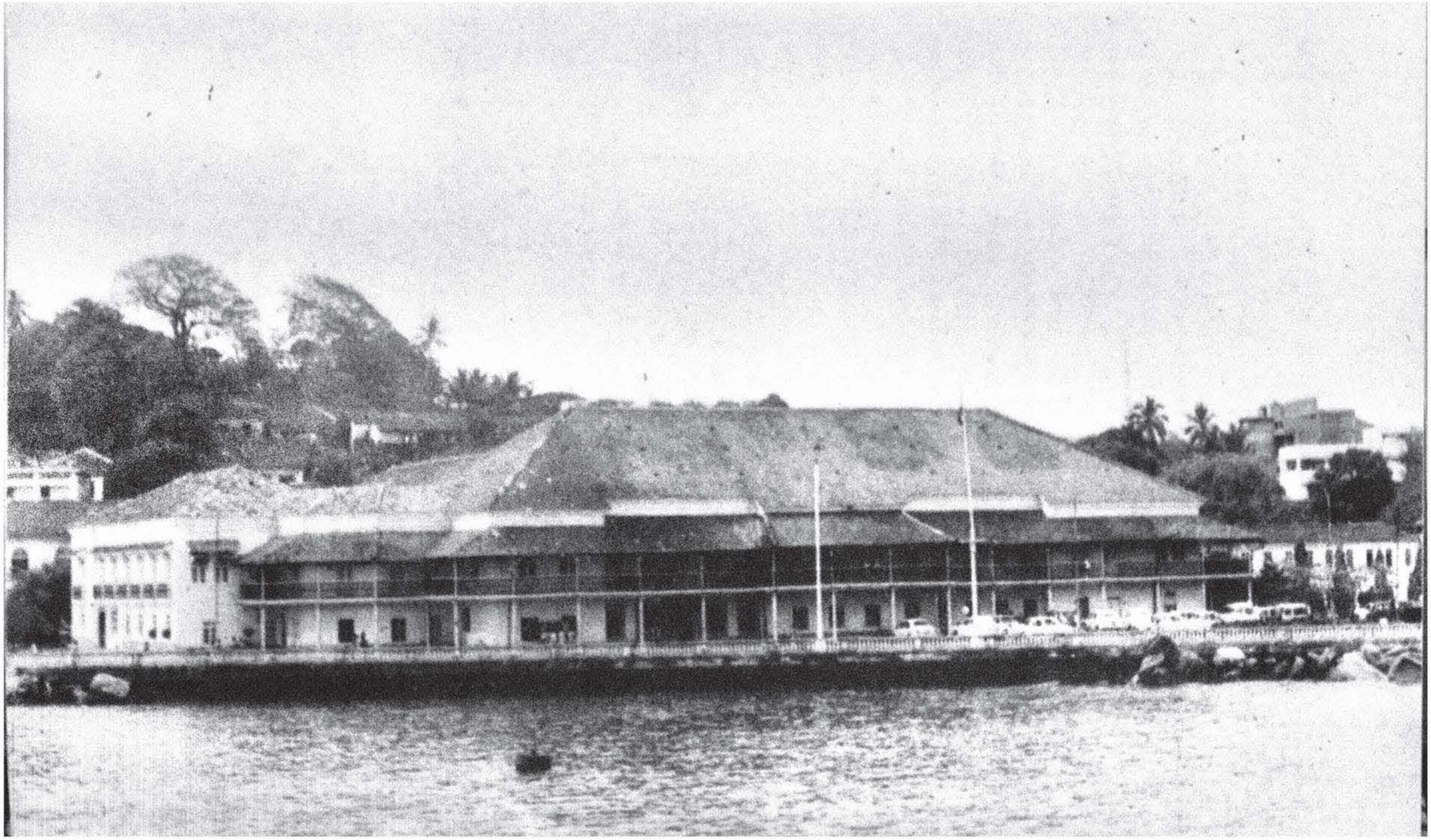
Since 1950, each House of the Bihar State Legislature has its own Secretariat with a Secretary as its administrative head. He is appointed by election under Article 182 and in certain contingencies by appointment by the Governor under Article 182(i) of the Constitution. He is the appointing authority in respect of all the posts in the Bihar Legislative Council except the post of the Secretary. He creates posts in Class II, III and IV categories for a financial year or a part thereof only if the cost can be met out of the Budget savings of that year. He can sanction the creation of a temporary post in class I category after consultation with the State Finance Department. He specifies the method for recruitment to a post or a class of posts. He lays down the qualifications for recruitment to a post. All officers in the Council Secretariat are subject to his superintendence and control. There is no age of retirement for the Chairman. His term of office is co-extent with his membership of the House.

The Secretariat: Before 26 January 1950 there was only one secretariat of the Bihar Legislature. There was a long-standing demand for a separate Secretariat of the Council. On 16 February 1950, the Council passed an official resolution requesting the Government to create a separate Secretariat for the Bihar Legislative Council. A separate Secretariat was accordingly created with effect from 1 April 1950. Thus since 1950 each House of the Bihar Legislative has its own

secretariat with a Secretary as its administrative head.

The rank of all officers and staff except the Secretary is similar to those of the Bihar Civil Secretariat. Their pay scales also correspond to the pay scales of the same categories of posts in the Civil Secretariat and whenever the State Government revise the pay scales, they are deemed to apply to the posts of the corresponding ranks in the Council Secretariat. Only the Secretary is appointed from amongst persons serving in the Bihar Superior Judicial Service and is always a District and Sessions Judge.

Library, Reasearch, Reference and Information Service: There is a common Library for the members of Legislative Assembly and the Legislative Council but it is under the control of the Speaker, Legislative Assembly.



GOA

ORIGIN AND GROWTH

Whilst the rest of the country saw democracy in action with the dawn of Independence on 15 August 1947 and its consolidation with the proclamation of the sovereign and democratic Republic of India on 26 January 1950, the people of Goa were still groaning under Salazar's fascist regime of terror, one of the oppressive dictatorships on record. The prolonged Goan freedom struggle which culminated in the liberation of Goa on 19 December 1961, saw the end of the colonial domination and its replacement by a democratic set-up as an integral part of India. It marked a watershed in the socio-political history of Goa.

In the wake of liberation democratic institutions were set up in the territory in the place of foreign dictatorial norms and rules. People were for the first time in their long and chequered history provided an opportunity for direct participation in Government in which they have a vital stake and making them masters of their destiny.

Initially the liberated territory was under the army administration of Lt.-Gen. Candeth, the Military Governor who was assisted by the Chief Civil Administrator. On 8 June 1962, the Military Government gave place to civil rule. The Lt.-Governor formed an informal Consultative Council consisting of 29 nominated members to assist him in the administration of the territory. This Council was inaugurated on 24 September 1962. The meeting of the Council was open to public.

On passing of the Constitution (Twelfth Amendment) Act, 1962 by the Union Parliament on 20 June 1962, the territory of Goa, Daman and Diu was conferred the status of a Union Territory with retrospective effect from 20 December, 1961. The Government of Union Territory Act, 1963 came into force on 13 May 1963. This Act was amended in 1971 which gave additional powers to the Administrator to assent

← State Legislative Assembly Building, Goa.

to Bills, issue ordinances, etc., in certain cases. The district of Goa of the existing Union Territory was formed into a new State known as the State of Goa in 1987.

STRUCTURE OF LEGISLATURE

The Legislature of Goa is unicameral. As per Section 3(2) of the Government of Union Territory Act, 1963 (Act 20 of 1963), the total number of seats in the Legislative Assembly of Goa, Daman and Diu was 30 and as per sub-section (3), the Union Government could nominate 3 persons in the Assembly. However, only during the term 1967-1972 (Second Assembly), two members (one from Scheduled Caste and one from Scheduled Tribe) were nominated by the Central Government, and thereafter, in the year 1985 (Sixth Assembly), three lady members were nominated to make the total strength of 33. Consequent on granting the Statehood to Goa, territories Daman and Diu were delinked and the strength of the Goa Assembly was reduced to 31 because the members from Daman and Diu ceased to be the members of Goa Assembly. As per Section 12 of the Goa, Daman and Diu Reorganisation Act, 1987, the total number of seats in the Goa Legislative Assembly is 40.

The normal tenure of the House is five years. Details of the tenure of the Legislative Assembly are given in the Table - 1 below:

Table 1: Statement showing the Number and tenures of the Legislative Assembly

S.No.	Legislative Assembly	Tenure	
		From	To
1.	First	9.1.1964	3.12.1966
2.	Second	12.4.1967	14.3.1972
3.	Third	12.8.1973	27.4.1977
4.	Fourth	13.6.1977	27.4.1979
5.	Fifth	21.1.1980	8.1.1985
6.	Sixth	21.1.1985	25.6.1987

S.No.	Legislative Assembly	Tenure From	To
7.	Sixth (after Statehood by Goa, Daman and Diu Reorganisation Act, 1987) Goa attained Statehood on 30.5.1987 Provisional Assembly	30.5.1987	26.6.1987
8.	Eighth	22.1.1990	till date

ELECTIONS, PARTIES AND MEMBERS

Parties in Legislature: In the first four elections to the Legislative Assembly, held in 1963, 1967, 1972 and 1977 there were mainly two major regional parties in the fray, namely, the Maharashtrawadi Gomantak Party and United Goans Party. In later elections to the Legislative Assembly, Congress Party emerged as a major party and formed Government twice, i.e., 1980-85, 1985-1989 and from January 1990 till 26 March 1990. The Government was formed under the name of Progressive Democratic Front on 27 March 1990 and on 10 December 1990. Since then the Congress Government holding the reins i.e., w.e.f. 25 January 1991.

Leader of the Opposition: The Leader of the Opposition in the Assembly was given the status of a Deputy Minister from 30 May 1987. This was for the first time that the Leader of the Opposition has been given the status of a Deputy Minister.

Qualification for Membership: Membership of the Goa Legislative Assembly is regulated under the provisions of the Article 173 of the Constitution of India.

Oath / affirmation: A member who has not already made and subscribed on oath or affirmation, may do so at the commencement of a sitting of the House, or at any other time of the sitting of the House, as the Speaker may direct, on any day after giving previous notice in writing to the Secretary.

Resignation: A member wishing to resign his seat in the House can do so in the form prescribed. As soon as may be, the Speaker, on receipt

of the letter of resignation, if he is satisfied about the genuineness and voluntary nature thereof informs the House that such and such a member has resigned his seat in the House.

Provided that when the House is not in session, the Speaker shall inform the House about it immediately after it reassembles. The resignation shall take effect from the date and time specified in the letter of resignation.

Absence from the House: A member wishing to obtain permission of the House for remaining absent from meetings thereof, shall make an application in writing to the Speaker, stating the period for which he may be permitted to be absent from the meetings of the House. Such application shall be set down for consideration by the House soon after receipt, as may be ordered by the Speaker, and shall, on the the day so fixed, be considered by the House immediately after questions, and before any other business for the day is entered upon.

SESSIONS AND SITTINGS

The Assembly is summoned by the Governor from time to time to meet at such time and place as he may appoint. Generally, the Chief Minister, in consultation with the Speaker, proposes the date for summoning the session of the Assembly.

Issue of summons: The summons to members are ordinarily issued by the Secretary twenty-five days before the date so appointed. Provided that when the session is called at short notice or emergently, summons may not be issued to each member separately but an announcement of the date and place of the session shall be published in the Gazette and made in the Press and members informed telegraphically.

After the commencement of a session, the Assembly shall sit on such days as the Speaker may, from time to time, having regard to the state of business of the Assembly and in consultation with the Leader of the House, determine. A sitting of the House is duly constituted when it is presided over by the Speaker or any other member competent to preside over a sitting of the House. The quorum to constitute a meeting of the House is one-third of the total number of members of the House.

Adjournment of Meetings: The Speaker may adjourn meeting of the Assembly either on his own motion or on a resolution of the House in that behalf. Where, however, the House is adjourned *sine-die*, fifteen days' notice shall ordinarily be given to members of the date on which the Assembly shall re-assemble. Provided that the Speaker may call a meeting of the Assembly for an earlier or later date than the date to which it stands adjourned.

Prorogation of the Legislative Assembly: When the Assembly is prorogued —

(a) all pending notices are lapsed and fresh notices are required to be given for the next session. Provided that the questions which have been entered in the List of Business but were postponed and remained pending for answer at the close of the preceding session shall not lapsed;
(b) a Bill pending in the House at the time of prorogation shall not lapse by reason of the prorogation of the House;
(c) any business pending before a Committee does not lapse; and
(d) any motion, resolution or amendment which has been moved and is pending in the House does not lapse.

BUSINESS OF THE HOUSE

Legislative business is classified into two categories—(a) Government Business and (b) Private Members' Business. Government Business is initiated on behalf of the Government Department by Ministers. The business initiated by members other than the Ministers is known as Private Members' Business. On days other than the days allotted for Private Members' Business, no business except Government Business, is transacted without the consent of the Speaker. On the first working day at the commencement of the session and thereafter on the last working day of every week, the Leader of the House or any member of the Council of Ministers shall after questions, inform the House of the business to be transacted during the week.

Order of Business: Unless the Speaker otherwise directs the relative

precedence of different class of business before the House specified below is in the following order, namely:

(i) Oath or affirmation;
(ii) Questions (including short notice questions);
(iii) Obituary references;
(iv) Papers to be laid on the Table;
(v) Communication of messages from the Governor;
(vi) Intimation regarding President's assent to Bill;
(vii) Communications from Magistrates or other authorities regarding arrest or detention or release of members of the House;
(viii) Presentation of reports of Committees;
(ix) Laying of evidence before Select Committee in respect of Bills;
(x) Presentation of petitions;
(xi) Questions involving a breach of privilege;
(xii) Leave to move motions for adjournment of the business of the House;
(xiii) Calling attention notices;
(xiv) Announcement by the Speaker regarding leave of absence of members from the sitting of the House;
(xv) Announcement by the Speaker regarding various matters, e.g., resignation of members of the House, nomination to panel of Presiding Members, Committees, etc.;
(xvi) Rulings or announcements by the Speaker;
(xvii) Miscellaneous statements by Ministers;
(xviii) Personal statement by ex-Minister in explanation of his resignation;
(xix) Motion for election to Committee;
(xx) Motion for extension of time for presentation of report of Select Committee on a Bill;
(xxi) Bill to be withdrawn;
(xxii) Bill to be introduced;
(xxiii) Laying of explanatory statement giving reasons for immedi-

ate legislation by Ordinances;

(xxiv) Motion for adoption of Report of Business Advisory Committee;

(xxv) Motion for leave to move Resolution for removal of Speaker/Deputy Speaker;

(xxvi) Motion for leave to make a motion of no-confidence in the Counil of Ministers; and

(xxvii) Consideration of report of Committee on Privileges.

Business Advisory Committee: The Business Advisory Committee is nominated by the Speaker. The Speaker and the Deputy Speaker are included in the membership of the Committee. The Speaker is the *ex-officio* Chairman of the Committee. It is the function of the committee to recommend the time that should be allotted for the discussion of the stage or stages of such Government Bills or other Government Business as the Speaker, in consultation with the Leader of the House, may direct for being referred to the Committee. The Committee has the power to indicate in the proposed time-table the different hours at which the various stages of the Bill or other Government Business shall be completed. And such other functions relating to the business of the House may also be assigned to the Committee as the Speaker may from time to time decide.

List of Business: A List of Business for the day is prepared by the Secretary and a copy is made available for the use of every member and the Governor. No business not included in the List of Business for the day is transacted at any stage without the leave of the Speaker. No business requiring notice is ordinarily set down for a day before the period the necessary notice has expired unless the Speaker otherwise directs.

Private Members' Business: Private Members' Business is taken up on every Friday of each month and has precedence over official business unless the Speaker directs otherwise. If there is no sitting of the House on any such Friday, the Speaker may direct that any other day in the week be allotted for Private Members' Business.

Rules of Debate: With the permission of the Speaker, the members, irrespective of their party affiliations can speak in the House.

Members are allowed to speak from their seats. Interruption is allowed on a point of order by any member or by the Chair, if and when necessary. The Chair decides and prescribes time-limit depending on the merit of each case. A member while speaking or answering a question, should not—

(i) give any evasive reply to any question;
(ii) express any opinion or make any comment on any matter of fact on which a judicial decision is pending;
(iii) make a personal charge aganist a member;
(iv) use offensive expressions about the conduct or proceedings of the Parliament or the Legislature of any State or of any Union Territory;
(v) reflect on any decision of the House except on a motion for rescinding it;
(vi) reflect upon the conduct of the President or any Governor or any Administrator or the conduct of any Court of Justice sitting as such;
(vii) utter treasonable or defamatory words, but he may, with the permission of the Speaker, quote them for the purpose of his argument.

Voting Procedure: Votes may be taken by voices or by 'division', and shall be taken by division, if any member so desires. The result of a division shall at once be announced by the Speaker and shall not be challenged. A member shall not speak on a question after the Speaker has collected the voices both of the 'Ayes' and of 'Noes' on that question.

Proceedings: The Secretary keeps a journal in which a short record of the decisions of the Assembly for each day is entered. The journal, after each meeting of the House, is signed by the Speaker; and when so signed it forms an authentic record of the House. The journal is printed and copies supplied to members within ten days. The Secretary also causes to be prepared a full and accurate report of the proceedings of the Assembly at each of its meeting and publishes it in such form and manner as the Speaker may from time to time direct.

A copy of such report is sent by the Secretary to each member of the Assembly and to the Governor within six weeks.

PRESIDING OFFICERS

After the members have taken oath, election to the office of the Speaker is held on such date as the Governor may fix and the Secretary sends to every member a notice thereof. Provided that the date so fixed shall, in the case of a vacancy occurring during the term of the Assembly be not beyond 15 days from —

(a) the date of the occurrence of the vacancy of the Assembly is at the moment sitting, and
(b) the date on which the Assembly first meets thereafter if it is not so sitting.

At any time before noon on the day preceding the date so fixed, any member may give notice of a motion nominating another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating the name of the member nominated. It should be accompanied by a statement by the member whose name is proposed that he is willing to serve as Speaker, if elected. On the date fixed for election, in the case of a new Assembly, the member appointed by the Governor to preside and in any other case the Deputy Speaker or member presiding, as the case may be, reads out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders. At any time before the election, any candidate so nominated may withdraw his name from the election by informing the member so appointed, the Deputy Speaker, or the member presiding, as the case may be, orally or in writing about it. If after the withdrawal, if any, only one member remains nominated, he is declared elected, and it is not necessary to make a formal motion in that behalf. If more than one member remain nominated, the presiding member calls the members in whose names the motions stand, one by one, to move the motions and the mover confines himself to a mere

statement to that effect. The voting on each motion is by ballots. Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes is excluded from the election and fresh ballots take place. The candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidates or that the aggregate votes of the remaining candidates, as the case may be. Where at any ballot any two or more candidates obtain an equal number of votes, the candidate to be excluded from the election is determined by drawing lots.

The election of Deputy Speaker, following the General Election or when a vacancy occurs, is held on a date fixed by the Speaker. The procedure followed for the election of the Deputy Speaker is the same as that for the Speaker.

The Speaker presides over the Assembly sessions and guides the transaction of business in the House. Besides, the Speaker has the power to preserve order in the House and the powers necessary for the purpose of enforcing his decision.

The Speaker and the Deputy Speaker, once elected, can be removed from office. A member wishing to give a notice of a resolution for the removal of the Speaker or the Deputy Speaker from his office shall do so in writing. Provided that no resolution for the aforesaid purpose shall be moved unless at least fourteen days' notice has been given to the Secretary. Once a resolution is allowed to be moved, a day is appointed for taking up such a resolution. On that day, the resolution is taken up after question hour. There was one occasion when the Speaker was removed by adoption of a resolution to that effect. Shri Froiliano Machado who was the Speaker from 21 March 1980 to 24 March 1984, was removed from the Speakership by resolution of the Assembly and was replaced by Shri D.G. Narvekar.

The names of successive Speakers of the Legislative Assembly are given in Table 2.

Table 2: Statement showing the names and tenures of Speakers of Legislative Assembly.

Name	Tenure From	To
Shri Pandurang Purshottam Shirodkar	10.1.1964	11.4.1967
Shri Gopal Apa Kamat	13.4.1967	23.3.1972
Shri Narayan Srinivas Fugro	24.2.1972	12.6.1977
	13.6.1977	20.1.1980
Shri Froiliano Machado	21.1.1980	22.3.1984
Shri Dayanand G. Narvekar	5.4.1984	21.1.1985
	21.1.1985	16.9.1989
Dr Luis Proto Barbosa	22.1.1990	14.4.1990
Shri Surendra V. Sirsat	26.4.1990	4.4.1991
Haji Shaikh Hassan Haroon	26.7.1991	till date

The legislative process starts with the introduction of the Bill in the Assembly. The Speaker may, on a request being made in this behalf, order publication of any Bill together with the Statement of Objects and Reasons and memoranda regarding delegation of legislative power and the financial implications, if any, accompanying it and the previous sanction of the President or the recommendation of the Governor, if necessary, in the Gazette, although no motion has been made for leave to introduce the Bill. In that case, it is not necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it is not necessary to publish it again. Provided that ordinarily no Bill may be so published in the Gazette when the House is in session.

The Legislative Process: The different stages of the legislative process are:

(i) Introduction;
(ii) Motion after introduction;
(iii) Consideration and amendment to Bill;
(iv) Adjournment of debates on and withdrawal of Bill; and
(v) Passing of Bill.

Any member can propose amendment on the Bill and notice of

amendment is to be submitted to the Secretary thrity-six hours before the consideration of the Bill.

From time to time, certain Bills are referred to Select Committees which are nominated through a motion adopted by the House or request being made by the Minister/Member incharge. According to general practice, whenever a Select Committee is appointed, the first sitting of the Committee is convened at the earliest opportunity to chalk out the course of action.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

The Question Hour: The first hour of every sitting is available for asking and answering of questions. The following three types of questions are entertained:

(a) *Starred Question*: A starred question is one whose answer is given orally in the House. There is scope for raising supplementaries in this category of questions.
(b) *Unstarred Question*: An unstarred question is one which is not orally aksed in the House but its answer is laid on the Table of the House.
(c) *Short Notice Question*: A Short Notice Question means a question relating to matters of urgent public importance that can be asked giving a shorter notice than is normally raised. It is distinguished by placing two astrisks. Supplementary questions arising out of answer given can be put thereon with the permission of the Speaker.

Half-an-Hour Discussion: The Speaker may allot half-an- hour for raising discussion on a matter of sufficient public importance which has been the subject of a question and answer in the House. Unless the Speaker directs otherwise, the allotment is ordinarily made during the sitting of the House on a Tuesday or a Thursday after the termination of its usual business. A member wishing to raise such a matter can give notice in writing to the Secretary three days in advance of the

day on which the matter is desired to be raised, and should briefly specify the point or points that he wishes to raise. The notice should be accompanied by an explanatory note stating the reasons for raising discussion on the matter in question. The Speaker may, with the consent of the Minister concerned, waive the requirement concerning the period of notice.

Short duration Discussion: Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. It should be accompanied by an explanatory note stating the reasons for raising a discussion on the matter in question. The notice shall be supported by the signatures of at least two other members. The Speaker may fix the date for discussion of the matter in consultation with the Leader of the House. A member who has given the notice, makes a short statement and the Minister also gives a short reply. The other members may also take part in the discussion.

Motion of No-Confidence: A motion expressing want of confidence in the Council of Ministers may be made with the consent of the Speaker subject to the following restrictions, namely:

(a) leave to make the motion shall be asked for after questions and before the List of Business for the day is entered upon;
(b) the member asking for leave shall before the commencement of the sitting for that day, deliver to the Secretary a written notice of the motion which he proposes to move. If leave is granted, the Speaker may, after considering the state of business in the House, allot a day or days or part of a day for the discussion of the motion.

The Speaker at the appointed hour on the allotted day or the last of the allotted days, forthwith puts every question necessary to determine the decision of the House on the motion. He may, if he deems proper prescribe a time-limit for speeches.

Adjournment Motion: Notice of an adjournment motion may be given to the Secretary in duplicate at least two hours before the commencement of the sitting on the day on which the motion is

proposed to be made. The Secretary sends one copy of the notice to the Minister concerned. The Speaker takes up the motion after the questions and before the List of Business is entered upon and if he holds that the matter proposed is in order and gives his consent under the rules, he then calls the member concerned who rises in his place and asks for leave to move the adjournment of the House. If leave to make such a motion is granted, the motion that the House do now adjourn, is taken up an hour before the time fixed for the usual termination of the business of the day, or if the Speaker so directs, at any earlier hour at which the business of the day may terminate.

Calling Attention Notices: A member desiring to call the attention of a Minister to any matter of urgent public importance can give notice in duplicate of such a matter at least two hours before the commencement of the sitting to the Secretary on the day on which the matter is proposed to be raised. The Secretary sends one copy of the notice to the Minister concerned. If the Speaker gives his consent to the said matter being raised, it is so done after the questions and before the List of Business is entered upon. The Minister may make a brief statement or ask for time to make a statement at the time it is made. the Speaker may, if he deems fit, permit questions for purposes of clarification. Not more than two such matters are raised at the same sitting.

Private Members' Resolution: A private member who wishes to move a resolution can give not less than fifteen days' notice to the Secretary of his intention and should together with the notice, submit a copy of the resolution which he wishes to move. A resolution may be in the form of a declaration of opinion, or recommendation or may be in the form so as to record either approval or disapproval by the House of an act or policy of Government, or convey a message or command, urge or request an action; or call attention to a matter or situation for consideration by Government or in such other form as the Speaker may consider appropriate. The Speaker decides on the admissibility of a resolution and may, at his discretion, amend the form of a resolution so as to bring it into conformity with the rules. He may disallow any resolution or part thereof if in his opinion it does not comply with the rule or is otherwise calculated to obstruct or prejudicially affect the procedure of the House.

Petition: Every petition is addressed to the House and should conclude with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates. Every petition should be in the language in which the Assembly transacts its business and if it is made in any other language, it should be accompanied by a translation in the language used for the transaction of the business in the Assembly, and should be signed by the petitioner. Letters, affidavits or other documents must not be attached to any petition. Every petition is presented and countersigned by a member. A member should not present a petition for himself. Every petition, after its presentation is referred to the Committee on Petitions for examination. The Committee may either recommend to the Speaker the rejection of the petition, if it is not in conformity with the rules and in that case the Speaker rejects it, or directs circulation of the petition *in extenso* or in the form of a summary thereof.

LEGISLATURE COMMITTEES

At the commencement of the first session after each General Election and thereafter before the commencement of each financial year, or from time to time when the occasion otherwise arises, different committees for specific or general purposes are shall either be elected or constituted by the House or nominated by the Speaker. No member is appointed to a Committee if he is not willing to serve on the Committee. Each Committee consists of not more than six members except Select Committees which shall have eight members. The Chairman of each Committee is appointed by the Speaker from amongst members of the Committee.

The term of office of members of each Committee is a financial year. Provided that the Committees elected or nominated under the Rules of Procedure, unless otherwise specified, hold office until a new Committee is appointed.

The Rules of Procedure and Conduct of Business in the Assembly provide for the constitution of the following Committees:

1. Business Advisory Committee
2. Committee on Public Accounts
3. Committee on Estimates
4. Committee on Government Assurances
5. Committee on Petitions
6. Committee on Delegated Legislation
7. Rules Committee
8. Slect Committee
9. Committee on Privileges

In addition there are 2 additional Committees, i.e., Library Committee and Committees on Public Undertakings.

The report of the Committee is presented to the House by the Chairman of the Committee or the person who has signed the report or any member thereof so authorised by the Chairman or, in his absence, or when he is unable to present the report, by any member authorised by the Committee and placed on the Table of the House. In presenting the report, of the Chairman or, in his absence, the member presenting the report, if he makes any remarks, confines himself to a brief statement of fact, or draws the attention of the House to the recommendations made by it, but there is no debate on that statement. The Minister concerned or any Minister may give a short reply on that very day or on some future date on which the matter has been postponed, explaining the Government's point of view and the action which the Government propose to take.

Financial Committees: The Legislative Assembly has two financial committees, viz., Committee on Public Accounts and Committee on Estimates, and Committee on Public Undertakings.

Committee on Public Accounts: Public Accounts Committee scrutinises the appropriation accounts of the State and the report of the Comptroller and Auditor-General of India. The Committee may also satisfy itself—

(a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the

service or purpose to which they have been applied or charged;

(b) that expenditure conforms to the authority which governs it; and

(c) that every reappropriation has been made in accordance with such rules as may be prescribed by the competent authority.

(a) to examine the statement of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes and projects together with the balance sheets, and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provision of the statutory rules regulating the finances of a particular corporation, trading concern or project and the report of the Comptroller and Auditor-General thereon;

(b) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies the audit of which may be conducted by the Comptroller and Auditor- General of India either under the directions of the Governor or by a statute; and

(c) to consider the report of the Comptroller and Auditor-General in case when the governor may have required him to conduct an audit of any receipt or to examine the accounts of store and stock.

Committee on Estimates:

Its functions are:

(a) to report what economies, improvements in organisation, efficiency or administrative reform consistent with the policy underlying the estimates, may be effected;

(b) to suggest alternative policies in order to bring about efficiency and economy in administration;

(c) to examine whether the money is well laid out within the

limits of the policy implied in the estimates; and

(d) to suggest the form in which the estimates shall be presented to the Assembly.

The Committee may continue its examination of the estimates from time to time throughout the financial year and report to the House as its examination proceeds. It shall not be incumbent on the Committee to examine the entire estimates of any one year. The Demands for Grants may be finally voted notwithstanding the fact that the Committee has made no report.

LEGISLATIVE PRIVILEGES

The powers, privileges and immunities of the members, House and Committees have been extended and fully ensured as provided in the Constitution.

Committee on Privileges: Rules of Procedure provide that the Committee on Privileges consisting of six members including the Deputy Speaker shall be nominated by the Speaker. The Deputy Speaker shall be the Chairman of the Committee. The Committee shall examine the question referred to it in the light of the evidence and the circumstances of the case and determine whether any breach of privilege has been committed, the nature of such breach and the circumstances leading to it and make such recommendations as it may deem proper.

The report of the Committee shall indicate if a breach of privileges has been committed and what punishment in its opinion should be inflicted. It may also recommend the acceptance of an apology if the apology has been tendered.

SERVICING OF LEGISLATURE

The Legislature Secretariat of Goa was perhaps the smallest in the country till 1982 but it has activities similar to any other big State Legislature. There was a common Secretary for Law and Legislature from 1964 to 1974. Thereafter the Under Secretary of Legislature was

asked to look after the Legislature Department till 1982, to perform duties of Secretary. Since then there has been a gradual expansion of the Secretariat and the activities of the Secretariat have been expanded manifold.

At present, the Secretariat has a Secretary, two Under Secretaries, one Committee Officer and one Editor of Debates.

There is a small, but comfortable air-conditioned Committee room, which has the facility of T.V./V.C.P.

The members are also provided with xerox copier facility. The Legislature has the facility of translation from Marathi and Konkani into English.

GUJARAT

ORIGIN AND GROWTH

The first Legislative Assembly in the Gujarat State was constituted in 1960 with a membership of 132. Prior to this also Legislative institutions did exist in one form or the other in various components of the present State. As far back as 1918, the ruler of the Bhavnagar State, Shri Bhavasinhji, had established an institution called the Peoples' Representative Assembly. The Assembly had 38 members appointed by His Highness. The members had the right to ask questions. After the death of Shri Bhavasinhji, his son and successor, Shri Krishna Kumarsinhji, formed the Bhavnagar Legislative Assembly in 1941 with 55 members, out of which 33 members were elected, 16 were nominated by His Highness and 6 were *ex-officio* members. The members had the right to ask questions, move resolutions, discuss the Budget and introduce Bills. The Assembly used to meet at least twice a year. Similar was the case with the then Porbandar State Assembly.

In the former Baroda State also, the ruler, Maharaja Sayajirao Gaekwad, had formed the Baroda Legislative Assembly as far back as 1908. Right from 1921, the people of the native States used to send elected representatives to the former Bombay State Legislative Assembly. In 1952, the Saurashtra Legislative Assembly was constituted which continued up to 31 October 1956. Thereafter, Saurashtra State was merged with bigger bilingual Bombay State under the States Reorganisation Act, 1956.

On 1 May 1960, the bilingual Bombay State was bifurcated and a new State of Gujarat was constituted under the Bombay Reorganisation Act, 1960. Accordingly the Gujarat Legislative Assembly was also constituted, and 132 members of the Bombay Legislative Assembly who were elected from Gujarat constituencies, became members of the

← State Legislature Building, Gujarat.

Gujarat Legislative Assembly. The strength of the Assembly was raised to 154 members in 1962 and to 168 in 1967 and it was further raised to the present strength of 182 in 1975.

STRUCTURE OF LEGISLATURE

The Legislature in the State is unicameral right from the commencement of the constitution. The total membership of the present Legislature is 182. There are no nominated members. The normal tenure of the House is 5 years. Table 1 shows the tenures of the Legislative Assemblies constituted so far.

Table 1: Statement shows the Tenures of Successive Legislative Assemblies

S. No.	Legislative Assembly	Tenure From	To
1.	First	1.5.1960	1.3.1962
2.	Second	3.3.1962	28.2.1967
3.	Third	1.3.1967	13.5.1971*
4.	Fourth	17.3.1972	15.3.1974**
5.	Fifth	18.6.1975	12.3.1976***
6.	Sixth	2.8.1980	5.3.1985
7.	Seventh	6.3.1985	2.3.1990
8.	Eighth	3.3.1990	till date

* Presidential Rule from 13.5.1971 to 17.3.1972.

** Presidential Rule from 9.2.1974 to 18.6.1975.

*** Presidential Rule from 12.3.1976 to 24.12.1976 and from 24.14.1976 to 2.8.1980.

PARTIES AND MEMBERS

Parties in Legislature: The present major parties in the Gujarat Legislative Assembly are: Congress I, Janata Dal and Bharatiya Janata Party.

Leader of the Opposition: The Leader of the Opposition in the Assembly who is accorded Statutory recognition, is entitled to a salary of Rs. 2500/- per month; and a sum of Rs. 2700/- towards consolidated allowance, conveyance allowance and postal charge allowance. Besides, he is given a rent-free Government accommodation, a car and telephone facilities. He is treated at par with a Minister of the Cabinet rank and as such, he is entitled to all the facilities and amenities as is available to a Minister of Cabinet rank.

Qualifications for Membership: Section 5(c) of the Representation of the People Act, 1951, provides that a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly unless he is an elector from any constituency in that State.

Oath / affirmation: A member of the Assembly, before taking his seat in the House, has to make and subscribe, before the Governor or some other person appointed in that behalf by him, an oath or affirmation in the form set out for the purpose in the Third Schedule of the Constitution. The members are advised in advance in writing to bring the certificate of election issued by the Returning Officer and to show it when they present themselves for the oath-taking ceremony. After the General Election, the first day of the first session is earmarked for making and subscribing oath or affirmation. The Secretary calls out the name of each member, who rises in his seat and goes to the right hand side of the Secretary's table. Here the forms of oath or affirmation in Gujarati, Hindi and English scripts are kept ready and are supplied to members according to their choice. The member then takes oath or affirmation while standing near the Secretary's table and signs and delivers the form received by him. It is not necessary that the oath-taking ceremony should take place in the House itself. A member who is elected in a byelection may take oath or make affirmation before the Speaker in his chamber, no matter whether the House is in session or not.

The tenure of the membership is coextensive with the tenure of the Assembly unless the member resigns his seat or is disqualified during the term.

Salary and Other Facilities: A member of the Assembly is entitled to a salary of 750/- per mensem payable during the whole term of office; a daily allowance of Rs. 100/- per day for the period of residence on duty; and a consolidated allowance of Rs. 750/- per month for all other facilities not specifically provided for. He is also entitled to a sum of Rs. 1200/- per month to meet the cost of telephone charges incurred by him, whether or not, he has a telephone installed at the place where he resides or at any other place in the State of Gujarat. A member also gets a sum of Rs. 400/- per month as postal charge and Rs. 600/- as personal assistant allowance. Besides, he is entitled to the following facilities:

(a) *Housing Facilities:* A member is provided with residential accommodation and boarding in the MLA. Hostel at concessional rates.

(b) *Medical Facilities:* Members and their families are entitled to free medical treatment in hospitals run by the State Government. In a place where there is no Government hospital, a member can avail of the treatment free of charge in hospitals maintained by a municipality or panchayat. In case, however, there is no hospital run either by the Government or the municipality or panchayat, a member is reimbursed by the Government any amount paid by him towards meeting his medical expenses.

(c) *Telephone Facilities:* Where a member has a telephone installed at his residence, the rental charges in respect of such a telephone are borne by the Government. A member is entitled to have local calls free of charge from the telephones provided near the Assembly Hall and Secretariat.

(d) *Stenographic and Typing Facilities:* The Legislature Secretariat provides free typing service to members for their legislative work during sessions.

(e) *Postal facilities:* A post office functions within the precincts of the Assembly to cater to the postal requirements of members.

(f) *Travel Facilities:* A member is entitled to travel, free of charge, singly or jointly with his spouse or any one member of his family residing with and dependent on him within the State of Gujarat by

the service buses of Gujarat Road Transport Corporation. The member is also entitled to travel singly 7500 kms. and jointly with the above mentioned co-travellers 15000 kms. within a financial year, outside the State of Gujarat in any part of India by the Road Transport Service.

By using Rail Travel Coupons, a member is entitled to travel free of charge by railway by 1st class or any other class, the fare for which does not exceed that for the 1st class, singly or jointly with his spouse or any one member of his family residing with and dependent on him in any part of the State of Gujarat. The member is also entitled to travel 7500 kms. singly and 15000 kms. jointly with the above mentioned co-traveller, within a financial year in any part of India outside the State of Gujarat.

(i) *Other Facilities:* A branch of the State Bank of India operates within the precincts of the Assembly building for the convenience of the members, during the session of the Assembly and a week after its termination.

Resignation: The procedure for dealing with the resignation of his seat by a member is given in Rule 269 of the Gujarat Legislative Assembly Rules. A member who desires to resign his seat in the Assembly has to intimate in writing under his hand addressed to the Speaker his intention to resign his seat in the prescribed form and he need not give any reason for his resignation. The Speaker, should, after he receives an intimation, satisfy himself that the document received by him is genuine and as soon as may be after he is so satisfied, he informs the Assembly that such and such member has resigned his seat in the Assembly. If the Assembly is not in session, the Speaker shall inform the Assembly immediately after it reassembles that such and such member has resigned his seat in the Assembly, during the inter-session period.

The Secretary, as soon as may be after the Speaker has received such intimation from a member resigning his seat in the Assembly, causes the information to be published in the Gazette and forwards a copy of the notification to the Chief Electoral Officer and the

Election Commission for taking steps to fill the vacancy thus caused.

Absence from House: As provided in Rule 274 a member desiring permission of the House to remain absent from the sittings thereof under Clause (4) of Article 190 of the Constitution, has to make an application in writing to the Speaker, specifying the period for which leave of absence is required, indicating also the date of commencement and termination of such leave of absence and the grounds therefor. A member need not apply for leave of absence from the sittings of the House if it is for less than 15 days, provided that if the leave is to expire on the last day of the session, he should apply even if the leave is shorter.

Committee on Absence of Members: As per Rule 216 the Committee on Absence of Members consisting of not more than eight members nominated by the Speaker, is constituted every year. The functions of the Committee are laid down in Rule 217 which are as under:

i) To consider all applications from members for leave of absence from the sittings of the House; and

ii) To consider every application for condonation of absence where a member has been absent for a period of 60 days or more without permission, from the sittings of the House and to report whether the absence should be condoned or circumstances of the case justify that the House should declare the seat of the member vacant.

The Committee is required to perform such other functions in respect of attendance of members in the House as may be assigned to it by the Speaker from time to time.

So far, no seat has been declared vacant on account of absence of a member from the sittings of the House.

Socio-Economic Background: Tables 2 to 4 indicate the socio-economic background of members in regard to age, education and occupations:

Table 2: Distribution of Members by Age Groups in Terms of Percentage

Age-groups	1962-67	1967-72	1972-74	1975-80	1980-85	1985-90	Present Assembly
24–45 years	52.64	47.33	55.65	27.42	38.91	41.76	42.31
46–60 years	38.96	45.23	38.09	56.04	50.54	50.55	49.45
60–above	5.19	7.44	6.26	16.54	10.55	7.69	8.24

As indicated by the above table the representation of the Legislators belonging to the middle age-group, i.e., 45 years to 60 years shows an upward trend barring 1972-74. There is an uneven up and down trend in the other two age groups.

Table 3: Educational Background of Members in terms of percentage

Educational	1962-67	1967-72	1972-74	1975-80	1980-85	1985- 90	Present Assembly
Up to SSC	49.41	50.20	51.90	50.30	60.34	45.60	43.96
Graduates	28.27	43.25	36.96	26.62	18.24	24.18	26.92
Post-Graduate	22.32	6.55	11.14	23.08	21.42	30.22	29.12

Table 4: Occupational Background of Members in terms of percentage

Prior Occupation	1962–67	1967–72	1972–74	1975–80	1980–85	1985–90	Present Assembly
Agriculturists	19.48	6.54	10.71	7.14	10.	52.75	56.04
Business	00.64	04.16	08.92	42.85	55.	08.79	13.74
Doctors	02.59	02.38	03.57	01.64	01.	03.85	03.85
Engineers	00.64	00.59	01.19	02.74	11.	01.10	01.65
Lawyers	11.03	07.14	18.45	12.08	10.	06.04	07.14
Teachers	07.14	15.47	15.47	02.19	03.	08.24	04.94
Others	57.14	58.92	42.26	29.67	17.	19.23	12.64

The classification of MLAs on the basis of profession is a complex task since many members have more than one source of income.

Though the business-class has steadily increased its representation, the professionals, i.e., doctors, lawyers, etc., have more or less the same representation. There is a very low representation of labour-class. 'Caste-Hindu' representation was more dominant up to 1975-80. But then there is an upward trend in the representation of the socially and economically backward classes which shows the extent of political awareness in them.

SESSIONS AND SITTINGS

Issue of Summons: As soon as the order of the Governor summoning the House is received, the Secretary publishes a notification to that effect in the Gazette and issues summons to each member specifying the date, time and place for the session of the House.

However, when the session is called at short notice or emergently, the summons are not issued to each member separately, but an announcement of the date, time and place of the session is made in the press, and members are informed by telegram.

Prorogation: As soon as the order of the Governor proroguing the session of the House is received, the Secretary publishes a notification to that effect in the Gazette and the copy of the notification is issued to each member.

Dissolution: As soon as the order of the Governor dissolving the Assembly is received, the Secretary publishes a notification to that effect in the Gazette and the copy of the notification is issued to each member.

Secret Sitting: The Speaker, if he deems it expedient, on a request by the Leader of the House, fixes a day or part thereof for the sitting of the House in secret. No stranger other than the persons authorised by the Speaker is permitted to be present in the House, Lobby or Gallery. The Speaker causes a report of the proceedings of a secret sitting to be issued in such manner as he thinks fit. But no other person present can keep a note or record of any proceeding or decision of a secret sitting, whether in part or full or issue any report of or

purport to decide, such proceedings.

The procedure in all other respects in connection with a secret sitting remains in accordance with such directions as the Speaker may give. When it is considered that the necessity for maintaining secrecy in regard to the proceedings of a secret sitting has ceased to exist, the Leader of the House or any member authorised by him, with the consent or the Speaker, moves a motion that the proceedings in the House during the secret sitting be no longer treated as secret.

On adoption by the House of the motion, the Secretary causes to be prepared a report of the proceedings of the secret sitting, and as soon as practicable, publishes it in such form and manner as the Speaker may direct.

BUSINESS OF THE HOUSE

Order of Business: The Government may arrange Government business in any order it deems fit. On the day allotted for the transaction of Government business such business has precedence and the Secretary arranges that business in such order as the Speaker may, in consultation with the Leader of the House determine. Such order of business is not varied unless the Speaker is satisfied that there are sufficient grounds for such variation.

Generally the items of business are shown in the List of Business for a day in the following order:

1. Election of the Speaker.
2. Questions.
3. Obituary References.
4. Motions for removal of Speaker or Deputy Speaker.
5. Motion expressing no confidence in Ministry.
6. Raising question of privilege.
7. Adjournment Motion.
8. Calling attention to matters of urgent public importance.

9. Presentation of petition.
10. Personal statement in explanation of Minister's resignation.
11. Statement by Minister on matter of public importance.
12. Personal statement by the member.
13. Papers to be laid on the Table.
14. Announcement of the Assent given to the Bills.
15. Election of the Deputy Speaker.
16. Announcement by the Speaker.
17. Ruling by the Speaker.
18. Announcement of the recommendations of the Business Advisory Committee.
19. Presentation of the reports of various Committees of the House.
20. Motion to agree with the recommendations of the Business Advisory Committee.
21. Motion to agree with the recommendations of the Committee on Private Members' Business.
22. Discussion for short duration.
23. Discussion on reports of the Committee of the House.
24. Government Business:
    (a) Presentation of Budget, Excess and Supplementary Statement of Expenditure.
    (b) Government Bills.
    (c) Discussion on Governor's Address.
    (d) General discussion on Budget.
    (e) Discussion on the reports of Statutory Bodies.
    (f) Statutory Motions.
    (g) Government Resolutions.
25. Private Members' Business.
26. Last day motion.
27. Half-an-hour Discussion.

Business Advisory Committee: At the commencement of the Assembly or from time to time, the Speaker, constitutes the Business Advisory Committee consisting of the Speaker and not more than ten other members representing the parties and groups recognised by the Speaker and other interests, if any, in the Assembly, nominated by the Speaker. The Speaker is the Chairman of the Committee. Normally, the Leader of the House, the Leader of the Opposition, the Minister for Parliamentary Affairs, the Finance Minister, and the Whips of the Ruling and Opposition Parties are appointed on the Committee. In the Gujarat Assembly the first Business Advisory Committee was constituted on 19 August 1960. The main functions of the Committee are to recommend the days on which and the order in which Government Bills or other Government Business may be taken and the time that should be allocated for the discussion of stage or stages of Government Bills or other Government business. The Committee that have such other functions, as may be assigned to it by the Speaker from time to time.

Motion for the adjournment of the House or debates and privilege matters do not find a place in the List of Business. Members may, with the permission of the Speaker, raise occasionally matters not included in the List of Business which are exceptionally urgent and important.

Private Members' Bills: Any private member desiring to move for leave to introduce a Bill gives a notice of his intention together with a copy of the Bill and an explanatory statement of objects and reasons. The member has also to attach with the Bill the Financial Memorandum and the Memorandum regarding delegated legislative power, if necessary. Fifteen days' notice is necessary in respect of a motion for leave to introduce a Private Members' Bill.

The notice of the Bill is submitted for consideration of the Speaker. If the notice of the Bill is admitted by the Speaker, the member incharge of the Bill is informed accordingly. Thereafter, the Bill is shown on the List of Business for the day. If the Bill is introduced in the House, it is published in the Government Gazette. The order of relative precedence of the Private Members' Bills which are introduced in the House is determined by ballot and the Committee on

Private Members' Business allocates the time for consideration of such Bills. Thereafter, the Bills for consideration are shown on the List of Business for the day allotted for Private Members' Bills. The member in-charge of the Bill moves a motion in the House that the Bill be read for the first time. If the motion is carried, the procedure regarding the Government Bill is followed. Generally, the Private Members' Bills are negatived in the House or withdrawn by leave of the House.

The last two hours of a sitting on the last but one working day every week are allotted for the transaction of Private Members' Business.

Committee on Private Members' Business: The Committee on Private Members' Business was constituted for the first time on 19 August 1960. As soon as may be, after the commencement of the first session of the Assembly every year, the Committee on Private Members' Business is constituted. The Committee consists of not more than eight members nominated by the Speaker.

The Committee recommends the time that should be allocated for the discussion of the stage or stages of (i) each Private Members' Bill, and (ii) The Private Members' Resolutions. The Committee has to perform such other functions in respect of Private Members' Business as may be assigned to it by the Speaker from time to time.

The quorum to constitute a sitting of the Committee is one-fourth of the total number of members of the Committee.

The Report of the Committee is presented to the House by the chairman or any other member of the Committee.

Rules of Debate: Under the Gujarat Legislative Assembly Rules, a member desiring to speak on any matter before the House has to rise in his seat and can speak if called upon by the Speaker. If more than one member rise at the same time, the member who is called upon by the Speaker is entitled to speak and the other members have to resume their seats.

No doubt in the case of major debates in the House, generally the Whips of the parties submit to the Speaker the names of their members who desire to participate in the debate and the Speaker ordinarily calls upon those members to speak, whose names are

included in such lists. The Speaker is, however, not bound by such lists. He may call upon any member whose name is not included in the said list to speak. He generally selects members to speak in such a way that as far as possible, the views of various Parties of the State are brought to light on the question before the House, and thus are allowed to be expressed in the House.

Under the Gujarat Legislative Assembly Rules, after a motion is moved, the mover of the motion speaks first and then other members are allowed to speak. Generally, members from both sides are alternately selected to speak. The number of members selected from various parties is ordinarily in proportion to the strength of the parties in the House, but parties in opposition get some more weightage in the matter of getting opportunity to speak.

Under Rule 32, if any member who is called upon by the Speaker to speak does not speak, he is not entitled to speak on the motion at any later stage of the debate except with the permission of the Speaker. No member can speak more than once on any motion except in the exercise of a right of reply or except with the permission of the Speaker.

In Gujarat Legislative Assembly, no rostrum is provided and a member speaks from near his seat and stands while speaking. However, a member disabled by sickness or infirmity is allowed to speak while sitting. Reading of speeches by members is not allowed. A member is allowed to read a letter if it is shown to the Speaker well in advance and if the Speaker has given his permission to read it out.

Members are not allowed to interrupt a member while he is speaking. However, if, while a member is speaking, another member desires to make an explanation or to ask an explanation or to seek information from the member speaking, he should rise in his seat and intervene only if the Speaker allows him to intervene. The point of order raised with an intention to disturb the line of thinking of a member speaking, is treated as an interruption and the same is deleted from the proceedings.

No specific time-limit is prescribed by Rules for speeches but under Rule 33, the Speaker is authorised to prescribe a time-limit for speeches if he thinks it fit.

Voting Procedure: Any matter requiring the decision of the Assembly is brought before the House in the form of a motion by a member. After the Speaker has stated the question, debate ensues. On the conclusion of a debate, the Speaker puts the questions to the vote of the House. He invites those in favour of the motion to say 'Ayes'. The members in favour of the motion say loudly 'Ayes'. Again he invites those against the motion to say 'Noes'. The members who are against the motion say loudly 'Noes'. The Speaker, from those two voices, determines whether 'Ayes' have it or 'Noes' have it. He then declares that the 'Ayes' or the 'Noes' as the case may be, have it and the question before the House is determined accordingly. If the opinion of the Speaker is challenged, the division bell is rung for five minutes. After five minutes the doors of the House are closed and no member is allowed to enter the House. After the doors have been closed, the Speaker again reads over the terms of the question to the House and puts the motion to the vote of the House and declares the result by the strength of the voices. If his opinion is again challenged, the Speaker asks the members who are for 'Ayes' and those who are for 'Noes' respectively, to rise in their places and on a count being taken, declares the decision of the House. In such a case, names of voters are not recorded. If the Speaker does not adopt the above course, he orders a division to be taken in such other manner as he may determine.

Proceedings: Rule 47 provides that it is the duty of the Speaker to preserve order in the House and he has all powers necessary for the purpose. It further provides that if any member conceives that a breach of order has been committed by infringement of the Rules or such provisions of the Constitution under which the business of the House is regulated, he can rise from his seat and interrupt any member who may be then speaking by raising a point of order and direct the attention of the Chair to the fact.

The Speaker has the power to decide whether the point raised is a point of order and to give his decision thereon and his decision is final. There can be no appeal against the decision, nor can there be any debate or criticism of such decision. If a member persists in making irrelevant remarks or goes on repeating his own arguments or any

arguments made by other members in the debate even after his attention is drawn to it by the Speaker, the Speaker can direct him to discontinue his speech. The Speaker can direct any member to withdraw the words if he feels that the words are defamatory or indecent or unparliamentary or undignified. He can also order expunction of such words. The Speaker can direct any member, to withdraw from the House if his conduct, in the opinion of the Speaker, creates gross disorder in the House. If any member disregards the authority of the Chair and persistently and wilfully obstructs the business of the House by abusing the rules of the House or otherwise, the Speaker can name the said member. If any member is so named, it becomes the duty of the Leader of the House to move a motion to suspend the said member from the service of the House for some days as he deems fit. A member so suspended has to withdraw from the House and its precincts immediately. If such member refuses to withdraw, he is removed, by force, by the Sergeant-at-Arms.

The title of the debates is called "Gujarat Vidhansaba Charchoo" and the language used is Gujarati. Reporters are engaged to record the verbatim as well as the summary of proceedings. The languages used in the debate are Gujarati, Hindi and English. There is no provision for simultaneous interpretation.

The normal time taken for issuance of uncorrected debates is two days and for the edited and printed ones two years.

PRESIDING OFFICERS

When the offices of both the Speaker and the Deputy Speaker fall vacant, the duties of the office of the Speaker are performed by such member of the Assembly as the Governor may appoint for the purpose under Article 180 (1) of the Constitution. The person so appointed is known as the Speaker-*pro tem*. After his appointment, the Speaker-*pro tem* continues in office till the Speaker is chosen. A member, senior-most in Parliamentary experience, is normally appointed by the Governor as the Speaker-*pro tem* from amongst the elected members of the ruling party. This convention continued up to 1975. However, in 1975 a member senior-most in age and belonging to the Opposition

party was appointed as the Speaker-*pro tem* and the new convention was created. The name of the member to be appointed as the Speaker-*pro tem* is suggested by the Chief Minister. The proposal is initiated in the Parliamentary Affairs Department and the order of the Governor in original is sent to the Legislature Secretariat for notifying the same in the Gazette. The Speaker-*pro tem* presides over the sitting scheduled for taking oath or affirmation and for election of the Speaker. He gets the salary and allowances of the Speaker till he continues in the office.

The election of the Speaker is held on such date as may be fixed by the Governor and the election of the Deputy Speaker is held on such date as may be fixed by the Speaker. The Secretary sends to every member notice of the date so fixed. At any time before noon on the day preceding the date so fixed, any member may give notice in writing addressed to the Secretary of a motion that another member be chosen as the Speaker/Deputy Speaker of the House and the notice is seconded by a third member and a statement by a member whose name is proposed in the notice, that he is willing to serve as Speaker/Deputy Speaker, if elected. The member should not propose his own name or propose on second more than one motion.

A member in whose name a motion stands in the List of Business, when called, moves the motion or withdraws the motion and confines himself to a mere statement to that effect. The motions which have been moved and duly seconded is put one by one in the order in which they have been moved, and decided, if necessary, by division.

If any motion is carried, the person presiding, without putting later motions, declares that the member proposed in the motion, which has been carried, has been chosen as the Speaker/Deputy Speaker of the House.

The Speaker holds his office until immediately before the first meeting of the Assembly after the dissolution unless he ceases to be a member of the Assembly or resigns his office or is removed from his office. The Deputy Speaker holds his office until he ceases to be a member of the Assembly or resigns his office or is removed from

his office.

Under the warrant of precedence, the Speaker ranks immediately after the Governor and the Chief Minister. There has been no occasion in Gujarat when the Speaker has acted as or discharged the functions of the Governor.

The Speaker is entitled to a salary of Rs. 2500/- per mensem, a compensatory local allowance of Rs. 1500/- per mensem, a conveyance allowance of Rs. 1000/- per mensem and a sumptuary allowance of Rs. 30,000/- per annum. He is also entitled to a travelling and a daily allowance at such rate as is admissible to the First Grade Officer of Government. The Deputy Speaker is entitled to a salary of Rs. 2300/- per mensem, a compensatory local allowance of Rs. 1500/- per mensem, a conveyance allowance of Rs. 1000/- per mensem and a sum of Rs. 100/- per day as daily allowance for attending the sessions or the meeting, of the Committee as a member. Besides, the presiding officers enjoy such other facilities like free furnished accommodation, medical facilities, telephone facilities, personal staff, staff car and security guard.

As the head of the Legislative Assembly the Speaker enjoys enormous powers to discharge his duties efficiently. Within the precincts of the House his authority is unquestionable. He decides the admissibility of notices of motions and questions; clubbing of notices and dispensing with notices. He fixes and allocates the day for the admission of various motions and discussions. He determines as to when a member should be called upon to speak and for how long he should be allowed to speak. He authenticates the Bills. The Speaker is the head of the Legislature Secretariat which functions under his ultimate control and direction.

A member holding office as the Speaker or the Deputy Speaker may, at any time by writing under his hand addressed, if such member is Speaker, to the Deputy Speaker and if such member is Deputy Speaker, to the Speaker, resign his office.

Tables 5 and 6 show the names and the tenure of Speakers and Deputy Speakers of the Legislative Assembly.

Table 5: Statement showing the names and tenure of Speakers

Name		Tenure From	To
1.	Shri Kalyanji V. Mehta	1.5.1960	19.8.1960
2.	Shri Mansinhji Rana	19.8.1960	19.3.1962
3.	Shri Fattehali Palejwala	19.3.1962	17.3.1967
4.	Shri Raghavji Leuva	17.3.1967	28.6.1975
5.	Shri Kundanlal Dholakia	28.6.1975	28.3.1977
6.	Shri Manubhai Palkhiwala*	28.3.1977	21.4.1977
7.	Shri Kundanlal Dholakia	21.4.1977	20.6.1980
8.	Shri Natwarlal . Shah	20.6.1980	8.1.1990
9.	Dr. Karsandas Soneri*	8.1.1990	19.1.1990
10.	Shri Barjorji Pardiwala	19.1.1990	7.3.1990
11.	Shri Shashikant Lakhani	16.3.1990	12.11.1990
12.	Shri Manubhai Parmar*	12.11.1990	11.2.1991
13.	Shri Himatlal Mulani	11.2.1991	till date

* He was the Acting Speaker.

Table 6: Statement showing the names and the tenure of Deputy Speakers

Name		Tenure From	To
1.	Shri Ambalal Shah	23.8.1960	1.3.1962
2.	Shri Premji T. Leuva	22.3.1962	28.2.1967
3.	Shri Vasantlal Mehta	27.3.1967	13.5.1971
4.	Shri Rameshchandra Parmar	28.3.1972	6.3.1974
5.	Shri Manubhai Palkhiwala	30.6.1975	17.2.1980
6.	Shri Ramnikbhai Dhami	27.6.1980	8.3.1985
7.	Dr. Karsandas Soneri	27.3.1985	2.3.1990
8.	Shri Manubhai Parmar	21.3.1990	13.6.1992
9.	Vacant		

PROCESS OF LEGISLATION

All proposals for legislation are initiated in the form of Bills which,

when passed by the Legislature and assented to by the Governor or the President, as the case may be, become Acts. A Bill can be introduced by a Minister of Government or by a Private Member. In the former case it is called a Government Bill and in the later, a Private Members' Bill. The Government Bills are drafted by legal draftsmen of Government on the instructions of the administrative departments. Private Members' Bills are drafted by the members themselves but are examined, scrutinised and put up in proper form by the Legislature Secretariat.

Salient Features of Bill: The salient features of most of the Bills are as under.

(1) Long title
(2) Preamble
(3) Enacting formula
(4) Short title—extent and commencement clause.
(5) Definitions
(6) Principal Provisions
(7) Administrative Provisions
(8) Miscellaneous clauses
(9) Penal clauses
(10) Clauses dealing with the making of Rules or bye-laws.
(11) Saving clause
(12) Temporary and transitory clauses
(13) Repealing clause
(14) Schedules
(15) Statement of Objects and Reasons
(16) Memorandum of Delegated Legislation
(17) Financial Memorandum
(18) Annexure.

A fifteen days' notice is necessary in respect of a motion for leave to introduce a Bill by a private member and seven days' notice is

necessary in respect of a motion for leave to introduce a Government Bill. After receipt of notice of the Bill, the Bill is examined and submitted to the Speaker for admission. If the notice of the Bill is admitted by the Speaker, the member incharge of the Bill is informed accordingly. Thereafter, the Bill is shown on the List of Business for the particular day allotted for that type of business. The member-incharge of the Bill moves a motion for introduction of the Bill in the House. If the Bill is introduced in the House, it is published in the Official Gazette. Sometimes, the Bill is published in the Official Gazette before its introduction in the House, if the Speaker gives his consent for the same. In that case it is not necessary to move for leave to introduce the Bill and to publish the Bill again in the Gazette after it is introduced.

First Reading: After the introduction of the Bill in the House, the member incharge of the Bill moves a motion that the Bill be read for the first time. On the First Reading of the Bill, the principles of the Bill and its general provisions are discussed but the detailed provisions are not discussed at that stage. Amendments to the Bill are also not moved at this stage.

After the Bill has been read for the first time, the member incharge makes one of the following motions in regard to the Bills, namely:

(a) that the Bill be read a second time either at once or on some future day to be then stated; or

(b) that it be referred to a Select Committee composed of such members of the Assembly and with instructions to report before such date, as may be specified in the motion; or

(c) that it be circulated for the purpose of eliciting opinion thereon, within such period as may be specified in the motion. Any member may make a motion as aforesaid by way of amendment.

Second Reading: If the Bill is referred to the Select Committee, after presentation of the report of the Select Committee to the House, the member incharge of the Bill may move that the Bill be read a second time. If the motion has been agreed to by the Assembly, the Speaker submits the Bill to the Assembly for clause by clause consideration.

At this stage any member may move an amendment to the Bill, giving two days' notice in that behalf. An amendment must be relevant to and within the scope of the Bill and should not be negative in nature. An amendment to an amendment can be moved with the permission of the Speaker. The Speaker may disallow any amendment which in his opinion is frivolous. The Speaker has the power to select the amendments. Amendments not selected by the Speaker are not allowed to be moved in the House.

Third Reading: After the Second Reading of the Bill is over or if no amendment is moved when a Bill is submitted clause by clause the Bill is at once read a third time. The discussion on a motion that the Bill be read a third time is confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member does not refer to the details of the Bill further than is necessary for the purpose of his arguments which are of a general character.

On a motion for the third reading of a Bill verbal amendments or amendments consequential to the amendments made in the Bill when the Bill was read clause by clause may be moved. No notice of such amendments is required. The Bill is passed when the motion for the third reading is carried.

When a Bill is passed by the Assembly, the Speaker signs a certificate at the foot of the Bill that the Bill was read for a third time and passed by the Assembly on a particular day. In the case of Money Bills. The Speaker also certifies that a particular Bill is a Money Bill. Thereafter the Bill is sent to the Governor for his assent.

Select Committee: When a Bill is referred to a Select Committee, the Committee has to go through the text of the Bill clause by clause in order to see that—

i) the provisions of the Bill bring out clearly the intention behind the measure;

ii) there is no procedural defect in its working;

iii) the object proposed to be achieved is adequately brought out;

iv) the Bill does not offend provisions of the existing law.

The Committee before taking a decision on any provisions of the Bill invites written memoranda from, or takes oral evidence of, experts or interested persons and organisations behind each clause of the Bill and to give such information as the Committee may desire. After hearing the evidence, if any, the Bill is put before the Committee clause by clause. The members offer their comments, and move their amendments, if any. The Committee then formulates its conclusion as to whether the clause as it stands is adequate and brings out the intention clearly. If, in its opinion, the wording of the clause is defective or the intention is not clearly brought out or the language is ambiguous, the Committee amends or revises the clause. After the clause by clause consideration of the Bill is over, a draft report of the Committee and a copy of the Bill as amended is prepared and submitted to the Chairman for his approval. Thereafter the report, alongwith the Bill as reported by the Committee, is presented to the House and the Bill, as amended by the Committee, is considered and passed by the House.

When a Bill is returned to the Assembly under Article 200 or 201 of the Constitution with a message requesting the Assembly to reconsider the Bill or any specific provision thereof or to consider the desirability of introducing such amendments as may be recommended in the message, the Speaker endorses the message on the Assembly. After the Speaker has communicated the message, any member may move a motion that the Bill be read a first time. Thereafter, the ordinary procedure of the Assembly in regard to Bill, so far as may be, and so far as such procedure is not inconsistent with the provisions of the Rules, applies.

Where such message relates to any specified provision of a Bill or to the desirability of introducing particular amendments in the Bill, the point or points recommended for consideration or the amendments recommended are put before the Assembly by the Speaker and are discussed and voted upon in the same manner as amendments to a Bill or in such other way as the Speaker may consider most convenient for their consideration by the Assembly. No dilatory motion is made in connection with any of the matters put before the Assembly.

Amendment of the Constitution: On receipt of the letter from the Secretariat either Houses of Parliament requesting the Legislature Secretariat to take necessary steps for ratification of the amendment to the Constitution under Article 368 of the Constitution, the members of the Assembly are informed by Bulletin Part II accordingly.

A copy of the Constitution (Amendment) Bill as passed by both the Houses of Parliament is sent to all members of the Assembly and the proceedings on the Bill are made available for the use of the members. Any member of the Assembly can give a notice of statutory motion under Rule 100 of the Gujarat Legislative Assembly Rules for ratification of the Bill.

Normally, the Chief Minister gives a notice of the statutory motion for ratification of the amendment to the Constitution under Article 368. If the notice of the motion is admitted, the Speaker, in consultation with the leader of the House fixes a day in the same session and allocates time for a discussion on the motion. No amendment to the motion for ratification is allowed to be move. If the motion is passed by the Assembly, an authenticated copy of the motion as passed by the Assembly is sent to the Government for further action in the matter.

No Bill affecting area, boundary or name of the State has so far been referred to the State Legislature under Article 3 of the constitution.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

The Question Hour: The question hour is the most important part of the proceedings of the House. Questions are being asked for the purpose of ventilating grievances or for the purpose of eliciting information from Government. Members of the Gujarat Legislature have been using this right extensively to bring the grievances of their constituencies to the notice of the Government. There are three types of questions: (1) Starred Questions; (2) Unstarred Questions; and (3) Short Notice Questions.

Unless the Speaker otherwise directs the first hour at every sitting is available for asking questions (Rule 71). Notice of a question is, given in writing to the Secretary specifying the official designation of

the Minister to whom the question is addressed. In the case of a starred question and a short notice question, the date on which the question is proposed to be placed is also given. If these instructions are not followed, the said notice is liable for dismissal. Notices of starred questions are required to be sent to the Gujarat Legislature Secretariat within the minimum period of 21 days and a maximum period of 28 days from the day allotted in the programme to the Ministry or Department pertaining to which the question is to be asked of the concerned Minister (Rule 73). A member is entitled to ask not more than three starred questions on a day (Rule 76). No restriction on time or number for unstarred questions has been prescribed. Answer to unstarred questions should reach the Legislative Secretariat within 45 days from the date of receipt of such question by the Government (Rule 87).

Short Notice Questions: A member who desires an immediate answer to a question of an urgent nature has to give notice of it to the Secretary which should not be earlier than 7 days prior to the commencement of a session or an adjourned session. After the Speaker has admitted the short notice question, the Secretary ascertains from the Minister concerned whether he agrees to give an immediate reply to the question. If the Minister agrees then the question may be asked and answered on the day allotted for answering of starred questions by that Minister. The Secretary does not include in the List of Business for the day more than one question to be answered by the same Minister. If the Minister does not agree to give an immediate reply to the question it cannot be replied at short notice and the Speaker may convey such reasons to the member concerned.

Half-an-Hour Discussion: On Monday and Wednesday every week, the Speaker, unless he otherwise directs, may allot half an hour after the conclusion of other business set down for the day, for raising discussion on a matter of sufficient public importance, which has been the subject of a question, oral or written, recently answered in the House and the answer to which needs elucidation on a matter of fact.

A member wishing to raise a matter has to give three days' notice briefly specifying the point or points that he wishes to elucidate. There

is no formal motion before the House nor voting. The member who has given notice may make a short statement and the Minister concerned replies briefly. Any other member may be permitted to ask a question for the purpose of further elucidation of any matter of fact (Rule 92).

The Speaker may allot not more than two hours for discussion. The admitted motion is set down in the List of Business for the date. The mover opens the debate and the Minister gives reply. The Speaker may allow other members to participate in the debate. There is no voting.

Motion of No-Confidence: The members of the Legislative Assembly have a right to move a motion of no-confidence in the Council of Ministers at any time. A motion expressing want of confidence in any particular Minister is out of order.

A member desiring to table a notice expressing want of confidence in the Council of Ministers is not required to give specific reasons in the notice of the motion. Such notice should be given in writing by a member to the Secretary. If the motion is found to be in order, the Speaker permits the member to ask for the leave of the House on such day not later than two days after questions and before the List of Business is entered upon.

When leave is asked for, 17 members must rise in their seats as a token of their support to the motion. If the leave is granted, the Speaker fixes a day for discussion of the motion which shall not be earlier than 3 days and later than 7 days from the day on which leave is granted. However, on a request being made by the Leader of the House, the Speaker may fix a day earlier than 3 days. In case of a one-line motion, members are allowed to refer to any irregularity on the part of Government in the discussion. When the specific reasons are set in the motion, the debate is confined to these reasons only. The Speaker may prescribe the time-limit for speeches in the House. At the end of the discussion, either the Leader of the House or the Chief Minister, as the case may be, replies to the charges made by the members. The mover of the motion has a right to reply. When the debate is concluded the Speaker puts the motion to the vote of the House and the decision is taken.

Adjournment Motion: A member wishing to move the motion for adjournment of the House is required to give notice in writing not later than one hour before the commencement of the sitting at which he proposes to ask for the leave of the House to move his motion. If a motion is found to be in order, the Speaker permits the member to ask for leave of the House to move the motion. If no objection is taken by any member or not less than ten members rise in favour, the Speaker declares that the leave is granted and also declares the time when the motion will be taken up. The debate, if not concluded earlier, terminates at the expiry of two hours. The motion that could be put up to vote is, "that the House do now adjourn".

No-Day-Yet Named Motion: A member may give five days' notice of a motion other than a statutory motion on a matter of sufficient public importance and such notice shall not be given earlier than five days before the commencement of the session or adjourned session. If the notice is admitted, the Speaker, after considering the state of Business in the House and in consultation with the Leader of the House, allots a day or days or part of a day for the discussion of any such motion. The member who has given the notice starts the debate and the Minister gives the reply. The Speaker may permit other members also to participate in the discussion. The mover of the motion has a right of reply. After the right of reply is exercised, the Speaker puts the question for the vote of the House.

Short Duration Notices: Any member may give five days' notice for raising a discussion on a matter of urgent public importance, and such notice shall not be given earlier than five days before the commencement of the session or adjournment of the session. The notice should be accompanied by an explanatory note stating reasons for raising discussion on the matter in question. If the Speaker admits the notice, he fixes the date for discussion in consultation with the Leader of the House and allows not more than one and half hour for discussion of the matter. The mover of the motion makes a brief statement and the Minister replies to it. The Speaker may, permit other members to participate. Unless the Speaker otherwise directs, not more than one matter is allowed to be raised at the same sitting. There is no formal

motion to be moved and there is no voting.

Calling Attention Notices: With the previous permission of the Speaker, any member can call the attention of a Minister to any matter of urgent public importance, by giving a notice for the purpose and such notice shall not be given earlier than five days prior to the commencement of the session or adjournment of the session. The Minister may make a brief statement or ask for time to make a statement at a latter hour or date. No discussion is allowed on that statement but any member can ask one or two questions for eliciting further information. Generally only one matter can be raised on a day. However, if the Speaker otherwise directs, more than one matter is allowed to be raised on a day at the same sitting. It is usually raised after the questions and before the List of Business for the day is entered upon. There is no voting.

Private Members' Resolution: A private member who wishes to move a resolution on a day allotted for the Private Members' Resolution, has to give notice at least two working days before the date of ballot fixed by the Speaker for the purpose. Each of the members who have secured first three places in the ballot is entitled to give notice of one resolution within two working days from the date of the ballot. The three resolutions, if admitted, shall be set down in the List of Business for the day. The Committee on Private Members' Business allocates time to first two resolutions and a third resolution is allowed to be moved only if, for any reason, any of the first two resolutions is not moved. The Speaker may allot not more than two hours for discussion. The mover opens the debate and the Minister gives reply. The Speaker may allow other members to participate in the debate. There is no voting. For Government resolution, seven days' notice is required.

Governor's Address: Normally the debate on Governor's Address lasts for 3 days. During the discussion on the Governor's Address, the Assembly is at liberty to discuss the matters preferred to in the Address. The discussion on the Governor's Address is restricted to matters of broad policies of the State Government. Amendments may also be moved expressing regret at the absence in the speech of any

policy favoured by any member. Failure of Government in respect of any particular matter is also expressed in the form of amendments.

BUDGET IN LEGISLATURE

The Budget: Under Article 202 of the Constitution, a statement of estimated receipts and expenditure of the Government of the State has to be laid before the Legislature in respect of every financial year which runs from 1 April to 31 March.

The Budget of the State is prepared by the Finance Department and presented to the Assembly by the Finance Minister through his speech.

The following Budget documents are made available to the members:

1. Annual Financial Statement (Green Book).
2. Budget Receipts (White Book).
3. Budget Estimates of various Departments.
4. Details of the Sanctioned Posts in the State Government Offices.
5. Outline of Activities.
6. Development programme.
7. Budget in Brief.
8. Socio-Economic Review.
9. Performance Budget of the various departments.

As per Gujarat Legislative Assembly Rule 220 (1), the Budget is presented to the Assembly on such day as the Governor may appoint. Earlier there was no hard and fast rule that the annual report of Ministries/Departments should be presented in the House before discussion on the Budget. But from 1975 onwards it has become a practice that the Ministry/Department should submit to the Legislature its Performance Budget during the time of general discussion on the Budget.

After the presentation of the Budget in the House, the Speaker after consultation with the Leader of the House, appoints days not exceed-

ing four in number for general discussion on the Budget. The discussion begins not earlier than five days from the day on which the Budget is presented. There is neither formal motion to be moved nor is there voting. The House is at liberty to discuss the Budget as a whole or any question of principle involved in the Budget. However, the Finance Minister has a right to reply at the end of the general discussion.

Demands for Grants: The Demands for Grants are discussed and voted in the Legislative Assembly. Rule 226 provides that the Speaker, in consultation with the Leader of the House, allots not more than 18 days for discussion. The Demands for Grants are discussed in such order as the Speaker may direct. The agreed list of Demands for Grants for discussion is drawn up in consultation with the Whips of both the parties. On the day allotted for the discussion and voting of a particular Demand for Grant, the Minister incharge moves the demands.

After the demands are moved by the Minister incharge, the members who have tabled the Cut Motions move the same. The Demands for Grant and the Cut Motions are discussed together.

The Speaker has the power to terminate the discussion and voting of Demands for Grants at the appointed time on the allotted day and put every question necessary to dispose of the demand under discussion and the outstanding demands, if any, shown in the List of Business for the day.

On the last day of the days allotted for discussion and voting of Demands for Grants, one hour before the time appointed by the Speaker for the adjournment of the House, all discussions terminate and the Speaker puts every question necessary to dispose of all the outstanding matters in connection with the Demands for Grants. On these days, no other business except asking and answering of questions during the question hour can be taken up except with the consent of the Speaker.

Cut Motions: The members are entitled to move Cut Motions in the nature of amendments to the motion for Demands for Grants, either to reduce any grants or to omit or reduce any item in a grant. Three

days' notice of such motions are required for the demand to which it relates.

Three types of Cut Motions are moved, namely; the Disapproval of the Policy cut, the Economy cut and the Token cut.

There are 18 permanent Committees in the Gujarat Legislature:

(a) Estimates Committee
(b) Public Accounts Committee
(c) Public Undertakings Committee
(d) Panchayati Raj Committee
(e) Business Advisory Committee
(f) Committee on Private Members Business
(g) Subordinate Legislation Committee
(h) Rules Committee
(i) Committee on Government Assurances
(j) Committee on Absence of Members
(k) Committee on Petitions
(l) Privileges Committee
(m) Members' Accommodation Committee
(n) Members' Pay and Allowances Committee
(o) Library Committee
(p) Committee on Welfare of Scheduled Castes
(q) Committee on Welfare of Scheduled Tribes
(r) Committee on Welfare of Socially and Educationally Backward Class and Nomadic and Denotified Tribes.

The members of the four Financial Committees, *viz.*, Estimates Committee, Public Accounts Committee, Public Undertakings Committee and Panchayati Raj Committee are elected every year after the commencement of the first session of the Assembly from amongst its members according to the principle of proportional representation by means of the single transferable vote. Members of all other Committees are nominated by the Speaker.

The Chairmen of all the Committees are appointed by the Speaker from amongst the members of the Committee.

The Rules Committee, the Library Committee, the Accommodation Committee, the Public Accounts Committee, the Estimates Committee, the Public Undertakings Committee and the Panchayati Raj Committee consist of fifteen members each. The Subordinate Legislation Committee, the Committee on Government Assurances and the Members' Pay and Allowances Committee consist of ten members each. The Committee on Private Members' Business, the Petition Committee and the Committee on Absence of Members consist of eight members each. The Privileges Committee consist of seven members. All the other Committees have eleven members each.

All Committees of the House are constituted for the duration of one year. The members of these Committees hold office until new Committees are constituted.

The functions, scope of deliberation and enquiry of the Financial Committees of the House can be summed-up as under.

Estimates Committee: The functions of this Committee are:

(a) to report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates may be effected and suggest measures for effecting them;

(b) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and

(c) to suggest the form in which the estimates shall be presented to the Legislature.

The Committee does not exercise its functions in relation to such Public Undertakings which are assigned to the Committee on Public Undertakings either under the Gujarat Legislative Assembly Rules or by the Speaker.

Public Accounts Committee: The main function of this Committee is to examine the Appropriation Accounts and the Finance Accounts of the State and the Reports of the Comptroller and Auditor-General of

India thereon. The Committee has also the power to examine such other accounts laid before the House as the Committee may think fit and such other matter as is specially referred to it by the House or the Speaker.

It is the duty of the Committee also *to examine the statements of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes, concerns and projects together with the balance-sheets and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the statutory rules regulating the financing of a particular corporation, trading scheme, concern or project, and the Report of the Comptroller and Auditor-General of India thereon; to examine the statement of accounts showing the income and expenditure of such bodies the audit of which may be conducted by the Comptroller and Auditor-General of India under any statute or under the directions of the Governor; and to consider the report of the Comptroller and Auditor-General of India in cases where the Governor may have required him to conduct audit of any receipts or to examine the accounts of stores and stocks.*

However, the Committee does not exercise its function in relation to such public undertaking as are assigned to the Committee on Public Undertakings by Gujarat Legislative Assembly Rules or by the Speaker. If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee examines with reference to the facts of each case, the circumstances leading to such an excess and make such recommendations as it deems fit.

Committee on Public Undertakings: The functions of the Committee are:

(a) to examine the reports or accounts of the Public Undertakings specified in the Third Schedule of the Gujarat Legislative Assembly Rules and such other undertakings as may be decided by the House from time to time.

(b) to examine the report, if any, of the Comptroller and Auditor-General of India on the said undertakings;

(c) to examine in the context of the autonomy and efficiency of the Public Undertakings, whether the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices; and

(d) to perform such other functions vested in the Public Accounts Committee and the Estimates Committee in relation to the Public Undertakings specified in the Third Schedule as are not covered by clauses (a), (b) and (c) above as may be assigned to it by the Speaker from time to time.

The Committee is, however, not entitled to examine and investigate any of the following matters namely:

(i) matters of major Government policy as distinct from business or commercial functions of the Public Undertakings.

(ii) matters of day-to-day administration; and

(iii) matters for the consideration of which a machinery is established by the statute under which the Public Undertaking is established.

The Committee on Public Undertakings takes up independent examination of a particular public undertaking selected by it in its preliminary meeting.

Panchayati Raj Committee: The function of the Committee is to examine the Audit Reports of District and Taluka Panchayats prepared by the Examiner, Local Fund Accounts.

Besides these important financial Committees, the functions of the other permanent Committees are self-explanatory and are more or less analogous to their counterparts in Parliament.

The Reports of the Select Committee, Committee on Privileges and Rules Committee are always discussed in the House. The Reports of the Business Advisory Committee, Committee on Private Members' Business, Committee on Petitions and Committee on Absence of Members may or may not be discussed and adopted. The Reports of the Financial Committees, Committee on Subordinate Legislation and Committee on Government Assurances are not discussed.

The draft report is presented to the Committee for approval. After the Committee approves the draft, it is submitted to the Speaker for final approval before presentation to the House. The report is presented in the House by the Chairman of the Committee and in his absence by any other member of the Committee.

LEGISLATIVE PRIVILEGES

The privileges of the Gujarat Legislature and its Members/Committees and immunities of its members have not been codified so far and therefore this House and its members and Committees enjoy the privileges and immunities as envisaged in Article 194 of the Constitution.

According to the provisions of the Gujarat Legislative Assembly Rules, a question of an alleged breach of privilege may be brought to the notice of the House, with the consent of the Speaker, by a complaint from a member or by a report from the Secretary or by a special Report from a Committee. If a breach of privilege is committed in the actual view of the House, the House takes action without any one formally bringing the matter to the notice of the House.

A member who wishes to raise a question of privilege has to give notice in writing to the Secretary. If the question of breach of privilege is based on a document, it must be accompanied with the notice. If the complaint of a breach of privilege is against any member, the member who gives the notice must give previous intimation to the member affected.

On receipt of the notice, the matter is considered by the Speaker who may either give his consent to raise the matter in the House or may refuse to give consent. While considering any notice of breach of privilege, the Speaker is guided by the following three factors:

(i) whether the question is restricted to a specific matter of recent occurrence and the notice thereof is given at an earliest opportunity.

(ii) whether there is a *prima facie* case of breach of privilege or contempt; and

(iii) whether the matter requires the intervention of the House.

If the Speaker refuses his consent, the member is informed accordingly by the Secretary. However, if the Speaker feels it necessary, he may read the notice in the House and state that he refuses his consent or he may hold that the notice is not in order.

In case where the consent to raise the matter in the House has been given by the Speaker, the member concerned, when called by the Speaker, has to ask for the leave of the House to raise the question of privilege. If objection to leave being granted is taken, the Speaker requests those members who are in favour of leave being granted to rise from their seats. It is to be noted that no member who takes an objection is allowed to make a speech. If ten or more members rise accordingly, the Speaker declares that the leave is granted and the member raises his question of privilege.

After leave is granted or after a question of breach of privilege or contempt has been brought to the notice of the House by a report from the Secretary or by a special report from a Committee, the Speaker may:

i) if he is of the opinion that the matter is such as may be disposed of by the House, ask the member making the complaint to move a motion that the matter be taken into consideration forthwith or on some future day; or

ii) refer the matter to the Committee of Privileges;

iii) inform the House that he will write to the Party concerned asking him what he has to say in the matter and then bring the matter again before the House at the earliest opportunity for such action as may be necessary.

Apart from the above procedure to be followed under the provisions of the Rules, the Speaker is also empowered, under Rule 263, to refer *suo moto* any question of privilege to the Committee of Privileges for examination, investigation and report.

Committee of Privileges: At the commencement of the Assembly and thereafter from time to time, generally every year, the Speaker constitutes the Committee of Privileges consisting of not more than seven

members including the Chairman. As far as possible, the practising lawyers and the members having legal experience are selected to serve upon this Committee. Sometimes the same members are continued on the Committee for two or more years.

The Committee examines every question of privilege referred to it. In doing so, the Committee after giving an opportunity to the persons concerned (the complainant as well as the person charged to have committed the contempt) to explain their cases, considers with reference to the facts of each case, whether a breach of privilege is involved and if so, the nature and gravity of the breach and the circumstances leading to it. The Committee invariably examines the point whether the breach was committed wilfully and intentionally or the same was merely incidental and committed due to oversight and presents the report to the House accordingly.

Legislative Privileges and Courts: There is no notable case of any conflict between the Legislature and the Court except one in which the Gujarat High Court upheld the powers of the House relating to the regulation of the conduct of its business. In March 1970 when the Speaker adjourned the House *sine-die* on the recommendation of the Business Advisory Committee, some members challenged his action in the Gujarat High Court. But the Court finally upheld the power of the House in matters relating to internal proceedings and dismissed the petition.

SERVICING OF LEGISLATURE

The Secretary: The Secretary, Gujarat Legislature Secretariat is appointed by the Governor after consultation with the Speaker, Gujarat Legislative Assembly and the Gujarat Public Service Commission, either—

i) by promotion from amongst the Deputy Secretary holding a degree in law of a statutory University in India entitling him to be enrolled as an advocate under the Advocates Act, 1961, or

ii) by direct selection; or

iii) by transfer of a person from the State or other service.

The age of retirement of the Secretary is 58 years.

The Secretary, is the head of a separate and independent Secretariat and enjoys a status equivalent to that of a Secretary of the Department of the Civil Secretariat.

All Legislative matters are decided by the Speaker with the assistance and advice of the Secretary. The Secretary, subject to the overall control of the Speaker, exercises full administrative control over the Secretariat staff and is responsible for the working of the Secretariat.

Table 7 gives the tenure of successive Secretaries of the Gujarat Legislative Assembly

Table 7: Successive Heads of the Legislature Assembly Secretariat

Sl. No.	Name of the successive Secretaries	Tenure	
		From	To
1.	Shri H.S. Shukla	1960	1967
2.	Shri D.G. Desai	1967	1984
3.	Shri T.S. Barot	1984	1986
4.	Shri J.M. Parikh	1986	–
5.	P.N. Thakkar	1987	1992

The Secretariat: After independence, the Secretariat was known as the Bombay Legislature Department and was working under the administrative control of the Legal Department of the State of Bombay. At a conference of the Chief Minister, Home Minister, Chairman and the Speaker held at the Council Hall, Bombay on 26 March 1952, it was proposed that as Article 187 of the Constitution contemplates an independent Secretariat for State Legislature and as the word "Department" connotes that it is a Department of the Government, it would be desirable to name the Bombay Legislature Department as Bombay Legislature Secretariat. In that conference, it was further proposed that as other departments of the Civil Secretariat were empowered to issue financial sanctions as well as to issue orders regarding appointments, promotions, etc., the Legislature Depart-

ment should be authorised to issue financial sanctions also. (This power was also challenged by the Pay and Accounts Officers at that time). The orders regarding appointments, promotions, etc., were issued in the name of Chief Secretary of the Government of Bombay, which was not in consonance with the spirit of the provisions of the Constitution and that the Chairman, the Speaker and the Secretary of the Bombay Legislature should be empowered to exercise the power and discharge the functions relating to financial matters pertaining to the Bombay Legislature Secretariat. The Officers of the Legislature Secretariat also should be empowered to authenticate orders, etc., pertaining to the Bombay Legislature Secretariat.

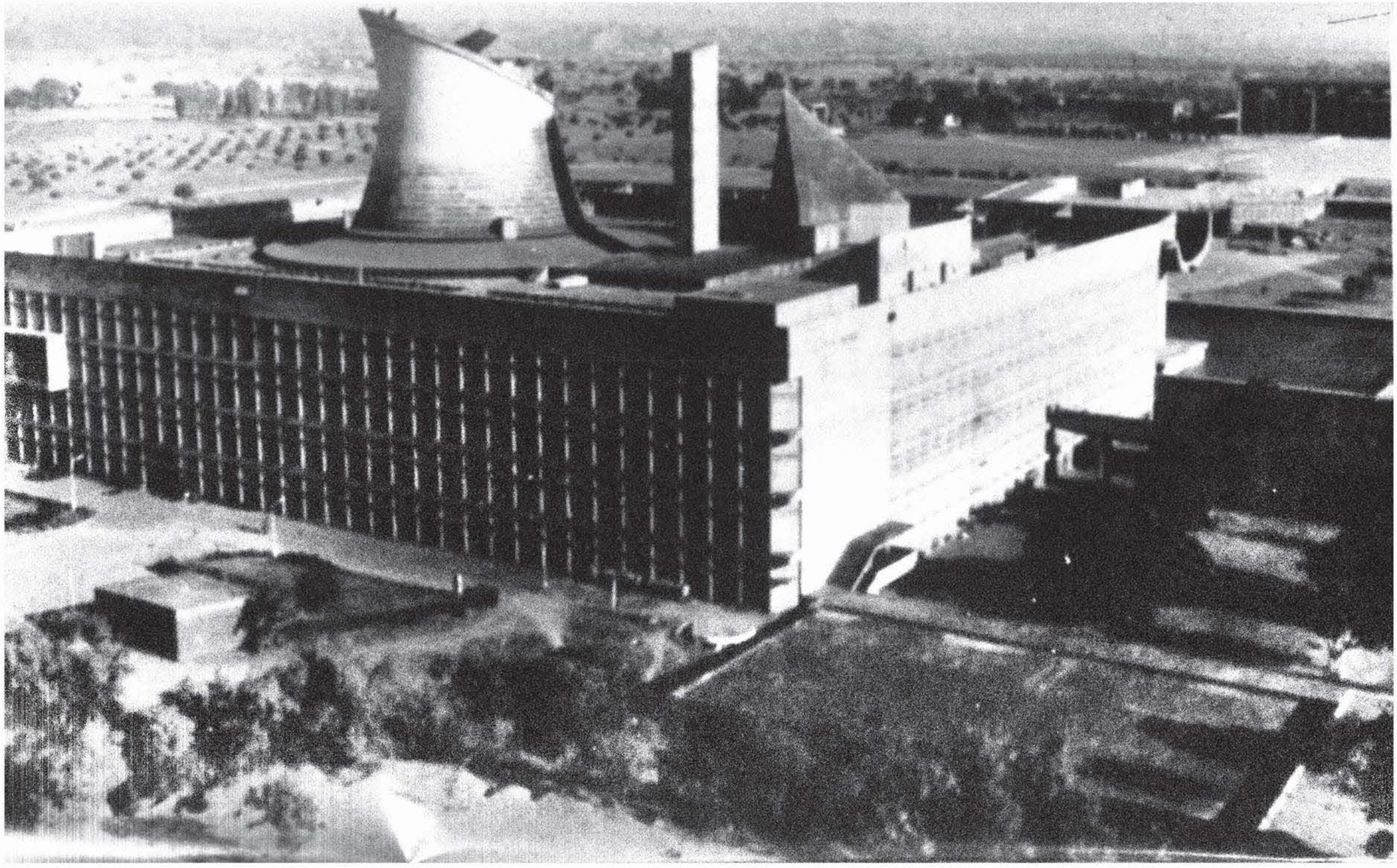
The above proposal was agreed to and under the Government Resolution, Legal Department No. 9284/B, dated the 23 March 1959, Bombay Legislature Department was named as "Bombay Legislature Secretariat". And with the creation of a separate State called Gujarat in 1960, this Secretariat was named as "Gujarat Legislature Secretariat".

The work of the Secretariat is divided under the following heads on a functional basis:

i) Establishment Branch dealing with appointments, promotions, condition of services of the staff and preparation of Annual Budget for the Legislature and its Secretariat;
ii) Table Branch dealing with Legislative matters;
iii) The General Branches relating to Administrative matters;
iv) Pay and Allowances Branch for members;
v) Translation Branch;
vi) Library, Research and Reporting Branch;
vii) Legislation Branch;
viii) Question Branch;
ix) Parliamentary Bureau Branch;
x) Committee Branch.

Library, Research, Reference and Documentation Service: The Legislature Secretariat has a well-equipped library for the use of members.

The staff in the research, reference and documentation divisions meet the requirements of the members by providing them with press-clippings, periodicals, anticipatory research, background notes, brochures, speeches and such other services.



HARYANA

ORIGIN AND GROWTH

The first ever election to the Punjab Province of which Haryana was a part, was held in 1937. The leader of the Unionist Party, Sir Sikander Hyat, became the first Premier of Punjab in 1937. On his death in December 1942, Sir Khizar-Hyat, Khan Tiwana succeeded him as Premier of the Unionist ministry. He headed the Punjab ministry again in 1946, after the General Elections, with the Congress Party as his main supporter. This, however, lasted only for a year when he resigned in March, 1947. A few months later, on 15 August 1947, India was partitioned.

After partition, the Indian side of the Punjab came to be known as East Punjab, with Dr. Gopi Chand Bhargava as its first Chief Minister. Dr. Bhargava and Shri Bhimsen Sachar continued to be the Chief Ministers by turn till the latter was replaced by Sardar Partap Singh Kairon. The Kairon Government lasted from 1956 to 1964. During this period, three General Elections were held in Punjab in 1952, 1957 and 1962. After partition, the people of Haryana felt that they were not having enough say in the administration while in the Punjabi speaking area there was a strong desire to have a separate State of their own. The Regional Committee formula, which was a compromise measure, failed to satisfy the two sides. It was then decided to further reorganise the Punjab and as a result the present States of Punjab and Haryana came into existence on 1 November, 1966.

The Haryana State was carved out of the erstwhile Punjab State on 1st November, 1966 under the 'Punjab Re-organisation Act, 1966'. The number of seats in the Haryana Legislative Assembly, as constituted on that day, was 54, out of which 10 seats were reserved for the Scheduled Castes. The Second Vidhan Sabha was duly constituted

← State Legislature Building, Punjab and Haryana.

under Section 73 of the Representation of the People Act, 1951, on 1 March, 1967 and consisted of 81 members elected from 66 General and 15 Reserved Constituencies. This Vidhan Sabha was dissolved on 21 November, 1967, with the promulgation of President's Rule in the State. The President's Rule came to an end on 21 May, 1968, with the constitution of the Third Vidhan Sabha the first Session of which commenced on 15th July, 1968. The Third Vidhan Sabha was dissolved on 21st January, 1972. The Fourth, Fifth, Sixth, Seventh and Eighth Vidhan Sabhas were constituted, as per the constitutional requirements in the year 1972, 1977, 1982, 1987 and 1991 respectively. The number of seats in the Vidhan Sabha were further raised to 90 in 1977 including 17 reserved seats.

STRUCTURE OF LEGISLATURE

The Haryana State Legislature is unicameral right from its inception. At present, the total membership of the Vidhan Sabha is 90. There is no nominated member. The normal tenure of the State Legislative Assembly is five years, unless dissolved before the completion of the tenure. Details of the tenure of the earlier Vidhan Sabhas are given in Table 1.

PARTIES AND MEMBERS

Parties In Legislative Assembly: The political parties/Groups recognised in the House at present are (i) Indian National Congress, (ii) Janata Dal, (iii) Janata Party, (iv) Bhartiya Janata Party, (v) Haryana Vikas Party, (vi) Bahujan Samaj Party, (vii) Independents.

Party Whips: The role of Party Whips is the same as that of Party Whips in Lok Sabha.

Leader of the Opposition: His powers and Privileges are the same as those enjoyed by the Leader of the Opposition in Lok Sabha. He receives a monthly salary of Rs. 3,000/- and sumptuary allowance of Rs. 500/- per month in addition to the allowances payable to him as a

member of the Haryana Vidhan Sabha which includes Compensatory Allowance of Rs. 500/- per month; and a Constituency allowance of Rs. 2,000/- per month. Telephone allowance of Rs. 1,500/- per month in lieu of trunk call/local calls on telephone installed at his residence by Government and Rs. 100/- per day as Halting allowance.

Table 1: Tenure of Haryana Vidhan Sabhas

S. No.	Vidhan Sabha	Tenure	
		From	To
*1.	First	1.11.1966	28.2.1967
**2.	Second	1.3.1967	21.11.1967
3.	Third	21.5.1968	21.1.1972
4.	Fourth	14.3.1972	30.4.1977
5.	Fifth	21.6.1977	19.4.1982
6.	Sixth	23.5.1982	23.6.1987
7.	Seventh	9.7.1987	6.4.1991
8.	Eighth	9.7.1991	To date

* The period of five years of first Haryana Vidhan Sabha referred to in clause (1) of Article 172 of the Constitution was deemed to have commenced on the date on which it actually commenced in the case of the Legislative Assembly of Punjab, by virtue of the provisions of Section 16 of the Punjab Re-Organisation Act, 1966.

** By virtue of the proclamation of the President of India under Article 356 of the Constitution, the President's Rule was imposed in the State and the Second Vidhan Sabha was dissolved on 21 November, 1967.

Qualifications for Membership: The qualifications for membership of the State Legislature are as laid down under Article 173 of the Constitution and under Section 5 of the Representation of the People Act, 1951.

Oath / Affirmation: Every member of the Legislative Assembly before taking his seat, makes and subscribes before the Governor, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule of the

Constitution. The swearing in of the members can take place outside the House if the Speaker is satisfied that the member is unable to attend the House.

Salaries and Other Facilities: There is no provision to pay any amount to the members of Haryana Vidhan Sabha as salary. However, the following allowances are paid to them:-

(i)	Compensatory allowance	Rs. 500/- P.M.
(ii)	Constituency allowance	Rs. 2,000/- P.M.
(iii)	Telephone allowance	Rs. 1,500/- P.M.

Besides, a member is also entitled to the following facilities:

(a) *Housing:* The members are entitled to such residential accommodation on concessional rates at the place of sitting of the Assembly as may be prescribed. They are also entitled to a House Building Advance of Rs. 2,50,000/- during their tenure.

(b) *Medical facilities:* A member is entitled for himself and for such members of his family, as may be prescribed, to the same medical facilities as are, from time to time, admissible to a Class I officer of Haryana.

(c) *Telephone facilities:* Every member is provided with a telephone at the expenses of the State Government, at his option, either at his permanent place of residence or at Chandigarh and an amount of Rs. 1,500/- P.M. is also paid to him in lieu of local/trunk calls. Telephone connections have also been provided in each room of the M.L.As' Hostel.

(d) *Stenographic & Typing facility:* The Stenographic and typing assistance is available to the members of the Haryana Legislative Assembly at the State Headquarters and District Headquarters.

(e) *Research, Reference and Library facilities:* A Legislators' Library with Research and Reference services is available for members.

(f) *Postal and Stationery facilities:* Stationery is provided to members on concessional rates.

(g) *Catering service:* Catering services are provided to members

by the Hospitality Organisation in M.L.As' Hotel and in Vidhan Bhavan

(h) *Transport Facilities:* Members are entitled to Motor Car Advance of Rs. 1,50,000/- for purchase of a car. In addition to it, every member, including the Chief Minister, a Minister, a Minister of State, a Deputy Minister, the Speaker, the Deputy Speaker, the Chief Parliamentary Secretary and a Parliamentary Secretary, is provided money value coupon books for two non-transferable first class passes which entitle him and his wife or any other person accompanying him to look after and assist him to travel by first class at any time by any railway in India, a distance not exceeding forty thousand kilometers under either or both the passes, during any financial year. The validity of these coupon books is for one year from 1st June to 31st May.

A member making use of the State Car, allotted to him, for a private purpose, may get the distance travelled by him therein, adjusted against the limit of forty thousand kilometers. While making the adjustment, the first class railway fare payable to him for the journey shall be adjusted against the hire charges recoverable in respect of it at the rates prescribed by the State Government.

(i) *Free Transit by Air:* A Member, including the Chief Minister, a Minister, a Minister of State, a Deputy Minister, the Speaker, the Deputy Speaker, the Chief Parliamentary Secretary and a Parliamentary Secretary is entitled to the facility of travel by Air within India with one companion and claim re-imbursment of the air fare against the surrender of rail coupon equal to the value of the air fare.

(ii) *Free Transit by Road:* A member including the Chief Minister, a Minister, a Minister of State, a Deputy Minister the Speaker, the Deputy Speaker, the Chief Parliamentary Secretary and a Parliamentary Secretary is provided:

(i) two free non-transferable passes which shall entitle him and his wife or any other person accompanying him to travel at any time by any public service vehicle of Haryana State Transport Undertaking, including deluxe coach; and

(ii) one free non-transferable pass which shall entitle him to travel at any time within the State of Haryana or the Union Territory

of Delhi or the Union Territory of Chandigarh by any public service vehicle of the Pepsu Road Transport Corporation:

Provided that if the journey is performed by him by an air-conditioned vehicle he shall pay the difference between the fare of such vehicle and that of a deluxe vehicle.

These passes are valid for the term of his office and he shall surrender those passes to the Secretary of the Assembly on expiration of such term.

Resignation: As soon as the Speaker receives an intimation in writing from a member under his hand resigning his seat in the Assembly, the Speaker verifies whether the resignation is voluntary and genuine. When he finds that the resignation is genuine and voluntary, he informs the House that the said member has resigned his seat in the Assembly.

Absence from House: If a member of the Haryana Legislative Assembly finds at any time that he would be unable to attend the sittings of the Assembly for a period of sixty consecutive days as computed in the manner provided in Article 190(4) of the Constitution, he shall apply under rule 59(1) of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly for permission of the Assembly. He may either move a motion himself or authorise another member to do so on his behalf or may apply in writing to the Speaker, stating the reason for his absence and seeking permission of the Assembly.

Committee on Absence of Members: There is no Committee on Absence of Members of the Haryana Legislative Assembly. Moreover, no seat in the Haryana Legislative Assembly has been declared vacant on account of Absence of Members from the House so far.

Expulsion of Members: Though there is no provision in the Assembly Rules regarding the expulsion of members from the House, yet if a member is found having been guilty of a grave contempt and breach of privilege of the House, its members and the Speaker, then that

matter is referred to the Privileges Committee on a motion moved by the Parliamentary Affairs Minister for giving a report in the matter for taking further necessary action by the House. A member may be suspended from the service of the House on the ground of gross disorder, misconduct and irresponsible behaviour by moving a motion in the House.

SESSIONS AND SITTINGS

Issue of Summons: The power to summon the Haryana Vidhan Sabha is vested in the Governor under Article 174(1) of the Constitution. He exercises this power on the recommendation of the Chief Minister or the Cabinet. The Secretary, immediately on receiving the order of the Governor through the Government under Article 174(1) summoning the Haryana Vidhan Sabha, issues summons to members intimating the place, date and time of the Session. This is usually done on the same day. The order of the Governor summoning the House is also notified in the Extraordinary Gazette of the State Government. If any member of the Legislative Assembly is under detention, summons is issued to him through the proper authority. Alongwith the summons, the notification which is to be published in the Extraordinary Gazette and the information regarding the Address of the Governor in connection with the date and time are also issued to members.

Prorogation of the Legislative Assembly: After the House is adjourned *sine-die*, the orders of the Governor under Article 174(2)(a) proroguing the House are received through the Chief Secretary to the Government of Haryana. The orders of the Governor are notified in the Government Gazette and the members and others concerned are also informed.

Dissolution of the Legislative Assembly: The Governor of Haryana, on the recommendations of the Chief Minister or the Cabinet, sends an order to the Assembly Secretariat regarding the dissolution of the Assembly under sub-clause (b) of clause (2) of Article 174 of the Constitution. The Secretary sends the same to the press on the same

day for its publication in the Government's Extraordinary Gazette for the information of the public at large and it is also sent to all the members of the Haryana Vidhan Sabha and other quarters concerned.

Emergent Sessions: There is a provision in the Rules of Procedure and Conduct of Business for holding Emergent and Secret sessions. So far, three emergent Sessions of Haryana Vidhan Sabha have been held in August 1975, July 1977 and June 1986. There has been no occasion where a Secret Session has been called or held.

Short Notice Sessions: The proviso to rule 3 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly reads as under:-

> "Provided that when a Session is called at shorter notice or emergently, summons may not be issued to each member separately but they may be informed by telegram."

In view of the above provision, when a Session is called at shorter notice, then a telegram stating the date, time and place of the Session is issued to each member of the Assembly. The remaining procedure of the shorter notice Session is the same like that of an ordinary Session.

Table 2 shows the number of sessions held by the successive Vidhan Sabhas

Table 2: Number of Sessions held by Legislative Assembly since Independence

S.N.	Name of the House	Period	Number of Sessions held
1.	1st Vidhan Sabha	1.11.1966 to 28.2.1967	One
2.	2nd Vidhan Sabha	1.3.1967 to 21.11.1967	One
3.	3rd Vidhan Sabha	21.3.1968 to 21.1.1972	Eight
4.	4th Vidhan Sabha	14.3.1972 to 30.4.1977	Sixteen
5.	5th Vidhan Sabha	21.6.1977 to 19.4.1982	Thirteen
6.	6th Vidhan Sabha	23.5.1982 to 23.6.1987	Twelve
7.	7th Vidhan Sabha	9.7.1987 to 6.4.1991	Eleven
8.	8th Vidhan Sabha	9.7.1991 to date	Four

BUSINESS OF THE HOUSE

Order of Business: The order of various kinds of Business which are listed in the list of Business for a day follows as under:-

(i) Swearing in of Members, if any;

(ii) Obituary reference;

(iii) Question Hour unless the list of questions is exhausted earlier. The Speaker may however, dispense with the Question Hour if he feels that the nature of other business fixed for the day justifies it;

(iv) Matters relating to privileges, if any;

(v) Adjournment motions, if any;

(vi) Calling Attention Notices, if any; and

(vii) Business as entered in the list of Business determined by Rules.

Business Advisory Committee: In allocating time to various Government Legislative and other business of the Government, the Business Advisory Committee plays an important rule. It meets from time to time during Sessions and recommends to the House the allocation of priorities and time for all items of business pending before the House. At the commencement of the Assembly, after each general election or from time to time, as the case may be, the Speaker nominates the Business Advisory Committee consisting of six members. The Speaker is the ex-officio Chairman of the Committee. In case, he is unable to preside over a sitting he nominates a Chairman for that sitting. The Committee holds office until a new Committee is nominated.

List of Business: As per rule 82 of Rules of Procedure and Conduct of Business, List of Business for the day is prepared by the Secretary, and a copy thereof is made available for the use of every member. Save as otherwise provided in these rules, no business requiring notice shall be set down for a day earlier than the day after that on which the period of the notice necessary for that class of business expires, unless the Speaker waives this requirement. Unless the Speaker otherwise directs, (according to direction dated 4.4.1973) not more

than four resolutions securing first four positions in the Ballot, in addition to any resolution which is outstanding under rule 31, shall be set down in the list of business for any day allotted for the disposal of private Members' Resolutions. No business not included in the List of Business for the day is transacted at any meeting without the previous permission of the Speaker.

Private Members' Business: The procedure for conducting the Private Members' Business and the Government Business is almost the same. No special procedure is applicable for the private members' business.

Rules of Debate: When a member rises to speak, his name is called by the Speaker. If more than one member rise at the same time, the member whose name is called, is entitled to speak. Besides, the Speaker takes due notice of the requests received in this regard from Group/Party leaders etc. and also the numerical strength of the group/party to which the intending speaker belongs. Members speak from their seats. Members, other than a Minister, cannot read their speeches but may refresh their memory by reference to notes. Normally, interruptions are not allowed. However, the Speaker may allow an interruption where he thinks that it is relevant and necessary for eliciting any further information/clarification on the point under discussion. The Speaker can, if he thinks it fit under the Rules, prescribe time limit for speeches keeping in view the nature of the business before the House. A member, who has moved a motion, can speak again by way of reply. In case the motion has been moved by a private member, the minister concerned can, with the permission of the Speaker, speak (whether he has previously spoken in the debate or not) after the mover has replied. However, the Rule does not give any right of reply to the mover of an amendment to a Bill or a Resolution except with the permission of the Speaker.

Voting procedure: There are three methods of voting in Haryana Legislative Assembly. These are:

(i) Voice Vote

(ii) Standing and

(iii) Division in Lobbies.

Proceedings: The title of the Debates is printed in Hindi and it contains the details of the Volume and No. of the Debates, date of the Debates and headings of the subjects discussed on that day. Uncorrected speeches are sent to the members for corrections normally within 48 hours after the adjournment of the sitting of the House. No time is prescribed for editing and printing of the Debates. The Debates of the Haryana Vidhan Sabha are printed by the Controller of Printing and Stationery, Haryana, and as soon as printed copies are received, these are supplied to the members. Proceedings of the Assembly are printed in Hindi and English languages i.e., in the language in which a member speaks. In case a member speaks in Punjabi language, his speech is printed in Devanagri script. There is no provision for simultaneous interpretation.

Presiding Officers

Till the election to the office of Speaker is held, one of the members is appointed by the Governor to perform the duties of the office of the Speaker as required by clause (1) of Article 180 of the Constitution. He is called Speaker *pro tem*. The practice has been that as soon as a member is appointed as Speaker *pro tem*, he makes and subscribes oath or affirmation in the prescribed form before the Governor under Article 188 of the Constitution of India and signs the Roll of Members of the Assembly. The Speaker *pro tem* is the person before whom every member of the Haryana Legislative Assembly, before taking his/her seat, makes and subscribes an oath or affirmation according to the form set out for the purpose in the third Schedule to the Constitution. No salary and allowances is paid to him as *pro tem* Speaker. However, he is paid salary and allowances as a Member of the Assembly for that day.

For the election of the Speaker, any member may propose another member then present in the Assembly and move that such member do take the chair of the Assembly as Speaker. If the motion is seconded and no other member is proposed, the person presiding shall without

putting the question declare that member as elected and call him to take the chair. If the names of other members are proposed and seconded, the questions are put one by one in the order in which the motions have been moved, and determined, if necessary, by division. If any motion is carried, the person presiding, without putting later motions, declares elected the member proposed in the motion which has been carried and calls the member to take the Chair.

For the purpose of the election of a Deputy Speaker, the Speaker fixes a date

(i) in the case of an election to the office, following a general election not later than seven days from the date of the Speaker's election; and

(ii) in the case of an election at any other time when a vacancy occurs, not later than seven days from the date of the first meeting of the Assembly after the occurence of the vacancy.

The procedure for the election of the Deputy Speaker is the same as that in respect of the election of the Speaker except that the Speaker, or in his absence, such person as may be determined by the Rules of Procedure of the Assembly, presides when the election is held.

The Speaker holds office from the date of his election till immediately before the first meeting of the Legislative Assembly after the dissolution of the one to which he was elected. The Speaker vacates his office, if he ceases to be a member of the Assembly. Like any other member, he also ceases to be a member of the Assembly as soon as any of the contingencies provided in Articles 190 and 191 arise. On the dissolution of the Assembly, although both the Speaker and Deputy Speaker cease to be members of the House, only the Deputy Speaker vacates his office. The position and status of the Speaker of the Haryana Legislative Assembly under the warrant of precedence comes after the Chief Justice of the High Court. They enjoy the status of a Cabinet Minister and Minister of State of the Haryana Government respectively.

The Speaker and Deputy Speaker are entitled to a monthly salary of Rs. 3,000/- and a Constituency allowance of Rs. 2,000/- per month and a Sumptuary allowance of Rs. 500/- per month.

Besides, this, they are entitled to a furnished residence at the Headquarters without payment of rent throughout their tenure of office and no charge falls on them personally in respect of the maintenance of such residences.

As per provisions in the Constitution, the Speaker is the head of the Legislature Secretariat. The powers and functions of the Hon'ble Speaker as Administrative Head of the Secretariat are given in the Haryana Vidhan Sabha Secretary Service Rules, 1981.

The Speaker may, at any time, resign his office by writing under his hand to the Deputy Speaker, even though the office of the Deputy Speaker might be vacant.

The names and tenure of Speakers and Deputy Speakers of the Haryana Vidhan Sabha since its inception are given in Tables 3 and 4 respectively.

Table 3: Statement showing the names and tenure of successive Speakers

Name	Tenure	
	From	To
Smt. Shanno Devi	6.12.1966	17.3.1967
Rao Birender Singh	17.3.1967	23.3.1967
Ch. Sri Chand	30.3.1967	19.7.1967
Ch. Manphool Singh	20.7.1967	21.11.1967
Brig. Ran Singh	15.7.1968	3.4.1972
Sh. Banarsi Dass Gupta	3.4.1972	15.11.1973
Ch. Sarup Singh	16.11.1973	4.7.1977
Brig. Ran Singh	4.7.1977	8.5.1978
Col. Rao Ram Singh	15.5.1978	24.6.1982
Sardar Tara Singh	24.6.1982	9.7.1987
Shri H.S. Chatha	9.7.1987	9.7.1991
Sh. Ishwar Singh	9.7.1991	To date

Table 4: Statement showing the names and tenure of successive Deputy Speakers

Name	Tenure	
	From	To
Smt. Shanno Devi	1.11.1966	5.12.1966
Shri Multan Singh	6.12.1966	28.2.1967
Shri Manphool Singh	17.3.1967	21.11.1967
Smt. Lekhvati Jain	22.7.1968	21.1.1972
Smt. Lekhvati Jain	5.4.1972	30.4.1977
Sh. Vijay Pal Singh	6.7.1977	19.4.1982
Shri. Ved Pal Singh	26.6.1982	23.6.1987
Sh. Kulbir Singh Malik	9.7.1987	14.11.1990
Sh. Vasu Dev Sharma	5.4.1991	23.4.1991
Sh. Sumer Chand Bhatt	9.7.1991	To date

PROCESS OF LEGISLATION

The Parliament and the State Legislatures give birth to the laws.

Law can be termed as mature stage of a Bill which is passed by a duly constituted legislature in the prescribed manner and assented to by the head of the State later on which becomes binding on every citizen to obey it. The following are the salient features of a Bill:

(i) Title of the Bill
(ii) Preamble of the Bill
(iii) Enacting Formula
(iv) Short title
(v) Extent clause
(vi) Commencement clause
(vii) Definition clause
(viii) Duration clause
(ix) Declaratory clause
(x) Rule making clause

(xi) Repeal and Savings clause

(xii) Schedules.

The Bill which is introduced by a Minister is known as a Government Bill and the Bill introduced by a private member is known as a Private Member's Bill. The requirements for both the cases are almost the same. However, in the case of Private Member's Bill, the relative precedence among them is determined by a ballot, the procedure for which is set out in Schedule I of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

In all cases fifteen days' notice has to be given of the intention to move for leave to introduce a Bill and every such notice has to be accompanied by four copies of the text of the Bill together with a full statement of Objects and Reasons of the Bill, duly signed by the member giving such notice in English and Hindi. The Speaker may, for sufficient reasons, allow the motion for leave to introduce a Bill at a shorter notice than fifteen days. After leave is granted by the House, the Bill is introduced and published in the official Gazette. The Speaker may admit the notice of the Bill for introduction of the same without crossing the stage of leave to introduce. In such cases, the Bill is pre-published in the Gazette for the introduction.

In the case of a Bill which under the Constitution cannot be introduced or considered without the previous sanction of the President or the recommendation of the Governor, the member has to annex the recommendation of the Governor/President with the notice of the Bill.

A Bill involving expenditure is required to be accompanied by a financial memorandum. A Bill involving proposals for the delegation of legislative powers is required to be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.

Legislative process: The different stages of the legislative process are:

(a) *First Reading:* A Private Member or a Minister is ordinarily required to ask for leave of the House to introduce the Bill. If leave is granted, the Bill is introduced and published in the official Gazette.

However, with the permission of the Speaker, a Bill can be straight away introduced without asking the Leave of the House. But such Bill is pre-published in the Gazette. When a Bill is introduced, it brings an end to the first stage of the Bill.

(b) *Second Reading:* The second reading of is the Bill the consideration stage of a Bill. It starts with the general discussion on the principles underlying the Bill. At this stage, it is open to the House either to refer a Bill to a Select Committee of the House or to circulate it for the purpose of eliciting opinion thereon or straightaway taking it into consideration. Afterwards, the Bill is considered clause by clause. Discussion takes place on each clause and amendments, if any. When all the clauses, the Schedules, the enacting formula and short-title of the Bill and the amendments have been put to vote and disposed of, the second reading is deemed to be over.

(c) *Third Reading:* After the second reading is over, the Member-in-charge of the Bill can move a motion for the Third Reading by moving a motion that the Bill, or the Bill as amended, as the case may be, be passed.

Amendment to Bills: Notice of a proposed amendment has to be given two clear days before the day on which the consideration of the clause to which the amendment is proposed, commences. However, the Speaker may allow the amendment to be moved at any time at the consideration stage of the Bill. The Speaker may allow verbal amendments at the time of consideration of Bill clause by clause. He may postpone the consideration of a clause to give reasonable time for the proper drafting of an amendment. A member signing the report of the Select Committee on a Bill without a minute of dissent, cannot move an amendment to the Bill when it is under consideration in the Assembly. Copies of the Notice of amendment are made available for the use of members.

When a Bill is passed by the Assembly, the Secretary sends the Bill as passed, signed by the Speaker through Law Department, for submission to the Governor for his assent. If the Governor returns the Bill for reconsideration by the Assembly, then it is put before the Assembly by the Speaker and is discussed and voted upon in the same

manner as in the case of amendments to a Bill. If the Bill relates to a matter which falls in the Concurrent List, the Governor reserves it for the consideration of the President for his assent. The Governor may either assent to the Bill, withhold his assent, or return the Bill, if it is not a Money Bill, with a message for reconsideration.

If the subject matter of the Bill is related to any matter failing in the Seventh Schedule i.e. Concurrent List (list III) the Governor has to reserve the Bill for the consideration of the President for his assent. It is relevant here to give latest instances of withholding the assent by the President which occurred in the year 1982 on the consideration of the Pepsu Tenancy and Agricultural Land (Haryana Amendment) Bill, 1982 and the Punjab Security of Land Tenure (Haryana Amendment) Bill, 1982. The President returned the above Bills with a message recommending some amendments therein. Consequently, the concerned Minister brought afresh the two aforementioned Bills in the year 1984 in the light of the recommendations of the President which were later on assented to by the President.

The procedure of Bills affecting the area, boundary or name of a State referred to State Legislature under Article 3 of the Constitution is the same as is for other Bills in Lok Sabha.

LEGISLATIVE PRIVILEGES

The powers, privileges and immunities of the House and its members and Committees have been broadly laid down in article 194 of the Constitution and in the *Practice and Procedure of Parliament* by M.N. Kaul and S.L. Shakdher which is followed in the Vidhan Sabha also. A member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member or of the House or of a Committee thereof. The Speaker, if he gives consent and holds that the matter proposed to be discussed is in order, after the questions and before the List of Business is entered upon, calls the member concerned, who rises in his place and while asking for leave to raise the question of privilege, makes a short statement relevant thereto. Provided that where the Speaker has refused his consent or is of the opinion that the matter proposed to be discussed is not in order, he

may, if he thinks it necessary, read the notice of question of privilege and state that he refuses consent or holds that the notice of question of privilege is not in order. If objection to leave being granted is taken, the Speaker requests those members, who are in favour of leave being granted to rise in their places and if not less than fifteen members rise accordingly, the Speaker intimates that leave is granted. If less than fifteen members rise, the Speaker informs the member that he has not the leave of the House. The Speaker may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any time during the course of a sitting. Such question is raised at the earliest opportunity and does not ordinarily require notice.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

Questions: There are mainly two types of questions (i) Starred and (ii) Unstarred. By a Starred question, the member desires an oral reply on the floor of the House, with the idea to get an opportunity to follow up the Minister's answers and elicit further information by way of supplementary questions. These are distinguished by an asterisk. Unstarred questions are not orally asked in the House, but their answer is laid on the table of the House and the member putting such a question is given a copy of the answer.

The Question Hour: Under the existing Rules of the Haryana Legislative Assembly, a question may be admissible, after satisfying certain conditions. The existing regulations concerning questions may be analysed under three major groups applying alike to all types of questions, namely, Starred, Unstarred, Short Notice and Supplementary Questions.

'Short Notice Questions' which can be asked by giving a notice shorter than the specified period needed in case of Starred and Unstarred Questions *i.e.* a member may ask a question at short notice subject to the approval of the Speaker and the consent of the Minister concerned. Such questions are also governed by the Rules relating to the admissibility of questions. According to practice, a Short Notice

Question is asked by the member in whose name it stands. He has to read out the text of the question. Short Notice Questions are asked at the end of the Question Hour.

Half-an-Hour Discussion: Half-an-hour discussion may take place with the consent of the Speaker in relation to a matter of sufficient public importance which has been the subject of a recent question, oral or written, and the answer to which needs further elucidation on a matter of fact.

Motion of No-Confidence: Under the Constitutional provisions and Assembly Rules, a motion expressing want of confidence in, or disapproving the policy of the Ministry as a whole, may be made, subject to the following restrictions, namely:

a) Leave to make the motion must be asked for after questions and before the business on the list for the day is entered upon;

b) the member asking for leave just before the commencement of the sitting of the day, must leave with the Secretary a written notice of the motion which he proposes to make.

If in the opinion of the Speaker, the motion is in order, he reads it to the House and asks those in favour of leave being granted to rise in their places and if not less than 18 members do so, he intimates that leave is granted. In the event of leave being granted, discussion takes place on the day appointed by him for the purpose, but such day must be within a period of ten days from the day on which the leave is granted.

Adjournment Motions: An adjournment motion is a motion intended to secure a discussion on a definite matter of urgent public importance of recent occurrence by interrupting the normal business of the House. This requires the consent of the Speaker. If the motion is in order, discussion ordinarily takes place for two hours after the hour of interruption, or earlier if the business for the day is finished earlier. Notice for an adjournment motion has to be accompanied by a brief explanatory memorandum explaining the motion. Such notice has to be given to the Secretary and copies of the notice have to be handed over to the Speaker, the Minister

concerned or Chief Parliamentary Secretary.

No Day—Yet Named Motions: If the Speaker admits notice of a motion and no date is fixed for its discussion, it is called a 'No-Day-Yet Named Motion', and a copy of the admitted motion is forwarded to the Minister concerned. But in the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly, there is no such Rule regarding 'No-Day-Yet Named Motion'. However, Rule 84 somewhat covers such motion and reads thus:

> "A motion that the policy or situation of statement or any other matter be taken into consideration shall not be put to the vote of the Assembly, but the Assembly shall proceed to discuss such matter immediately after the mover has concluded his speech and no further question shall be put at the conclusion of the debate at the appointed hour unless a member moves a substantive motion in appropriate terms to be approved by the Speaker and on such motion, the vote of the Assembly shall be taken."

It is by convention that while admitting such motions under Rule 84, the Speaker does not signify any particular date for the discussion of the same, but such motions are discussed on the last day of the Session in Government time allotted taking the sense of the House. For allotting specific date and time, the matter is placed before the Business Advisory Committee which includes such motions in its Report for the adoption of the same by the House. Admitted notices of such motions are discussed one by one according to the time of their receipt. Copies of the motion are made available to members well before time. Notices of similar nature are clubbed with first notice and discussion thereon takes place simultaneously.

Short Duration Discussion: There is no such provision in the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly which deals with Short Duration Discussion.

Calling Attention Notices: A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief state-

ment at a later hour or date. There shall be no debate on such statement at the time it is made. Not more than one such matter shall be raised at the same sitting. In the event or more than one matter being presented for the same day, priority shall be given to the matter which, in the opinion of the Speaker, is more urgent and important. The proposed matter shall be raised after the question hour and before the list of Business is entered upon and at no other time during the sitting of the House.

The Speaker may permit the Member(s) who has/have given the notice of Calling Attention to ask two questions to seek further clarification on the statement made by the Minister.

Private Members' Resolution: A member who wishes to move a motion, can give in the case of a substantive motion, at least seven clear day's notice in writing of his intention to the Secretary, provided that the Speaker may in his discretion, allow a motion or amendment to be moved at a shorter notice or without notice. In this connection, it is relevant to state here that such motion or amendment may be moved only by the member giving notice. If it is not moved by the concerned member, it is deemed to have been withdrawn. The motion is circulated in its original form to the members and is moved in the House in the same form. However, with the previous permission of the Speaker it can be moved in an altered form. Repetitions of motions raising substantially identical questions in the same session are always avoided. The concerned member who makes the motion may withdraw the same by leave of the Assembly and the Speaker restricts discussion on a request for leave to withdraw a motion.

Governor's Address: Under Article 176(1) of the Constitution, the Governor is required to address members of the Legislative Assembly at the commencement of the first Session after each general election as well as at the commencement of the first Session of each year. In his address he informs the Legislature of the causes of its summons. After the Governor's Address, the Speaker reports the fact to the Assembly by laying a copy of such address before the Assembly. The Speaker, under Rule 19 of the Assembly Rules, in consultation with the Leader of the Assembly, allots time for the discussion of matters

referred to in the Governor's Address. On such day or days or a part of any day, the Assembly is at liberty to discuss matters referred to in such address on a Motion of Thanks moved by a member which is seconded by another member. Amendment may be moved to such Motion of Thanks in such form as may be considered appropriate by the Speaker. Under Rule 23 of the Assembly Rules, the Chief Minister or any other Minister, whether he has previously taken part in the discussion or not, on behalf of the Government, has a general right of explaining the position of the Government at the end of the discussion and the Speaker may enquire how much time is required for the speech so that he may fix the hour by which the discussion is to be concluded. Under Rule 24 of the Assembly Rules, the Speaker may, if he thinks fit, prescribe a time limit for speeches after taking the sense of the Assembly.

Petitions: Petitions relating to a Bill which has been published or which has been introduced may be presented or submitted in accordance with the Assembly Rules. Any such petition may be presented by a member or be forwarded to the Secretary, in which later case, the fact shall be reported by him to the Assembly and no debate shall be permitted on the making of such report. A Committee on Petitions is constituted at the commencement of each session of the Assembly. It consists of the Deputy Speaker, who is the Chairman and four members nominated by the Speaker out of whom one will be a member of the panel of Chairman. In the absence of the Deputy Speaker, a member from the panel of Chairman will preside and in the absence of both, the Committee will elect its Chairman.

BUDGET IN LEGISLATURE

The Budget: The Budget is presented by the State Finance Minister. The details of Budget documents which are presented to the House are as under:

(i) Haryana Budget at a Glance.

(ii) New Expenditure for the year. (Vol. I)

(iii) Explanatory Memorandum on the Budget.

(iv) Budget (Year . . .) Detailed Estimates of Revenue and Receipts.

(v) Detailed (Budget) Estimates of Plan Schemes for the year . . . . (as laid before Vidhan Sabha)

(vi) Budget (year . . .) Vol. II.

Demands for Grants with detailed estimates of expenditure.

The Annual Financial Statement or the Statement of the Estimated Receipts and Expenditure of the Government of the State in respect of every financial year (hereinafter referred to as "the Budget") is presented to the Assembly on such day as the Governor may appoint. Under the Rules, the Budget is dealt with by the Assembly in two stages, namely:-

(i) a general discussion, and

(ii) the voting of demands for grants.

On a day or days to be appointed by the Speaker in consultation with the Leader of the House subsequent to the day on which the Budget is presented, and for such time as the Speaker in consultation with the Leader of the House may allot for this purpose, the Assembly is at liberty to discuss the Budget as a whole or any question of principle involved therein but no motion is moved at this stage nor is the Budget submitted to the vote of the Assembly. The Finance Minister has a general right of reply at the end of the discussion. The Speaker may, if he thinks fit, prescribe a time-limit for speeches.

Demands for Grants: The demands for grants are arranged in such order as the Leader of the House may intimate. Of the days allotted, not more than two days are taken up by the Assembly for discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the Speaker forthwith puts every question necessary to dispose of the demand under discussion. On a day, allotted for the voting of demands for grants, no other business is taken up before the normal hour of interruption of business except with the consent of the Speaker, provided that nothing in this rule is deemed to prohibit the asking and answering of questions during the

time allowed. On the last day or the days so allotted, the Speaker, one-and-a-half hours before the normal hours of interruption of business, forthwith puts every question necessary to dispose of the demand under consideration, and shall then forthwith put one by one all the outstanding demands for grants. During the discussion on the demands for grants, motions can be moved to reduce the amount of demand. Such a motion is called a cut motion.

The cut motions are classified into three categories:

(i) Disapproval of policy out;

(ii) Economy cut; and

(iii) Token cut.

LEGISLATURE COMMITTEES

When the State of Haryana was created on 1st November, 1966, the Rules of Procedure of the Punjab Legislative Assembly were adopted for the Haryana Legislature. Important Committees like. Public Accounts Committee, Estimates Committee etc. were constituted to have an adequate legislative surveillance of administration. Later on, the Committee on the Welfare of the Scheduled Castes and Scheduled Tribes and Committee on Public Undertakings were constituted in 1973 and 1978, respectively. At present, there are twelve permanent Committees of the Vidhan Sabha as given below:

1. Public Accounts Committee.
2. Estimates Committee.
3. Committee on Public Undertakings.
4. Committee on the Welfare of Scheduled Castes and Scheduled Tribes.
5. Committee of Privileges.
6. Committee on Subordinate Legislation.
7. Committee on Government Assurances.
8. Library Committee.
9. Rules Committee.

10. House Committee.
11. Committee on Petitions.
12. Business Advisory Committee.

There are no other Committees such as Ad hoc Committees, Joint Committees etc.

The members of the Public Accounts Committee, Estimates Committee, Committee on the Welfare of Scheduled Castes and Scheduled Tribes and Committee on Public Undertakings are elected by members of the House according to the principle of proportional representation by means of single transferable vote. The term of office of members of the Committees is one year. The members of the remaining eight Committees are nominated by the Speaker. The Chairmen of the Committees are appointed by the Speaker. However, if the Deputy Speaker is a member of any Committee, he/she is appointed as the Chairman of that Committee. In the case of Business Advisory Committee, the Speaker is the ex-officio Chairman of that Committee.

While there is no bar to discuss the Reports of the Committees in the House, by convention the Reports of the Committees are not discussed. There is only one instance when the Report of the Public Accounts Committee was discussed in the House in the year 1974. The Standing Committees of the Assembly generally present their reports to the House or to the Speaker, as the case may be, from time to time.

New Committee of Privileges: Under Rule 267 (I), at the commencement of the Assembly, or from time to time as the case may be, the Speaker nominates a Committee of Privileges consisting of not more than ten members. The Committee nominated under sub-rule (I) holds office until a new Committee is nominated. The Committee examines every question referred to it and determines with reference to the facts of each case whether a breach of privilege is involved and if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit.

SERVICING OF LEGISLATURE

The Speaker is the Head of the Legislature Secretariat which func-

tions under his overall control and direction. The Secretary is the 'Head of the Department of the Assembly Secretariat' and the Chief Secretary is the Administrative Secretary of the Assembly Secretariat.

The Secretary: The Secretary of the Assembly is appointed by the Government in consultation with the Speaker by direct recruitment, or by promotion or by transfer or by deputation keeping in view the qualifications and experience prescribed for the post of Secretary. The Secretary exercises the authority on the advice of the Governor and the directions given by the Speaker from time to time. The Secretary as Head of the Department of the Assembly Secretariat has the same financial powers as are vested in the Head of Department of Government. He supervises all the functions of the Assembly Secretariat under the directions of the Speaker.

The following are the names of successive Secretaries of the Vidhan Sabha since 1 November 1966:

1. Shri Raj Kumar Malhotra.
2. Shri Raj Krishan.
3. Shri G.L. Batra.
4. Shri Sumit Kumar.

The Secretariat: Haryana Vidhan Sabha Secretariat came into being with effect from 1 November 1966 under Section 3 of the Punjab Reorganisation Act, 1966. The Vidhan Sabha Secretariat is headed by the Secretary.

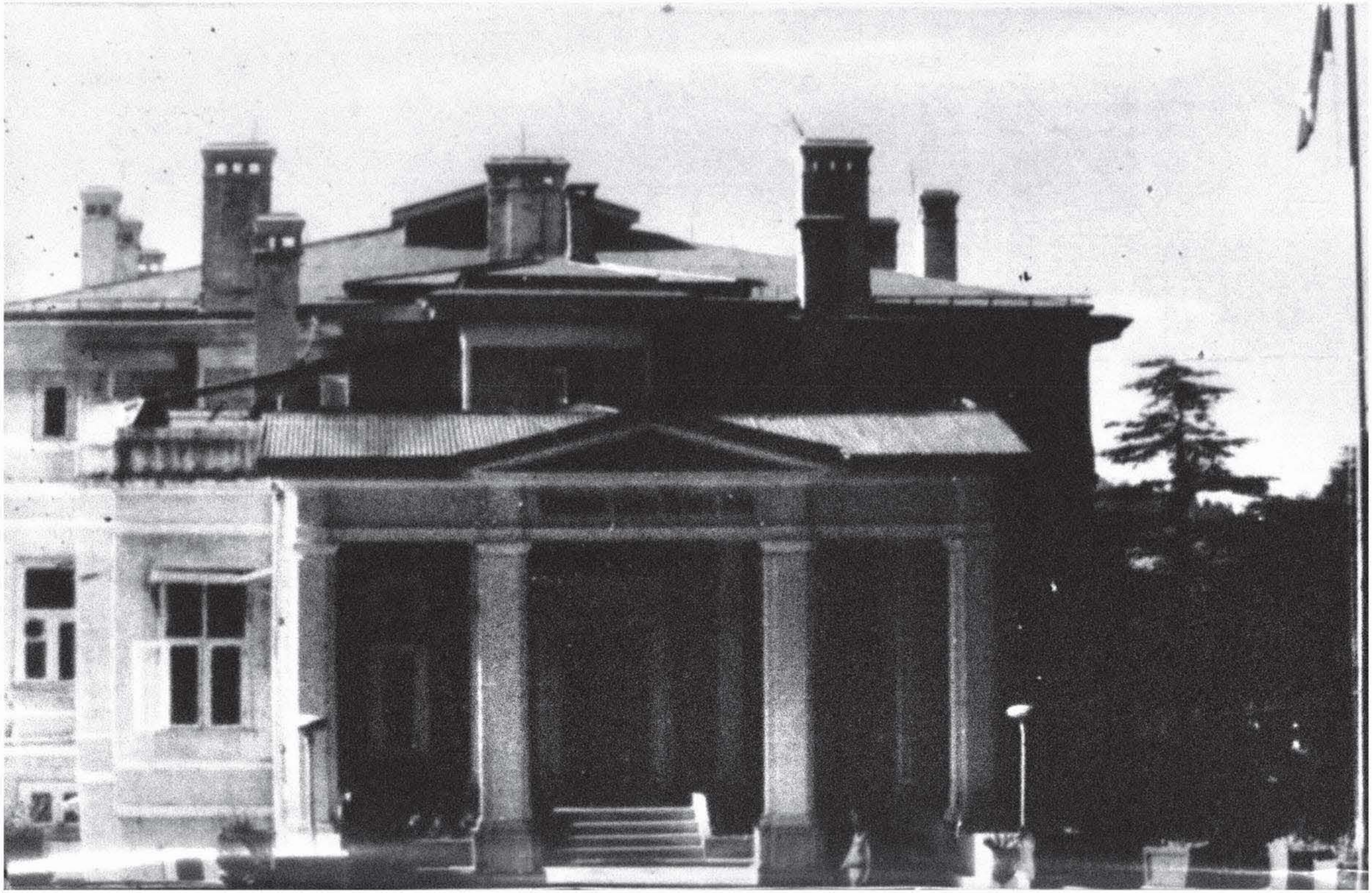
The Secretariat at present functions through the following branches.

1. Legislation Branch
2. Question Branch
3. Accounts Branch
4. General Branch
5. Members' Amenities Section in Hostel
6. Loans and Pension Branch

7. Watch and Ward Officer's Branch
8. Publication Branch
9. Committee Branch No. I
10. Committee Branch No.II
11. Committee Branch No.III
12. Privileges and Public Accounts Committee Branch
13. Translation Branch
14. Establishment Branch
15. Bill Branch
16. Notice Office
17. Library
18. Research and Reference Cell.

Library, Research, Reference and Information Services: The Haryana Vidhan Sabha Library is located in the lounge of the Ground Floor just below the Vidhan Sabha Chamber of the Vidhan Bhawan. There is no separate independent building for Library. The lounge where the Library is situated is sufficiently large with the size of 70′ × 65′ approximately. There are 60,000 books in the Library. No microfilming, computerization and documentation facilities are available in the Library.

The Library caters to the information needs of members. Press clippings on important subjects from various newspapers are maintained for record and reference. Information of special interest is disseminated especially on the points to be discussed during Sessions, Conferences and Seminars of the Presiding Officers of Legislative Bodies. Material whenever asked for, is also provided to Members for preparation of speeches.



HIMACHAL PRADESH

ORIGIN AND GROWTH

The history of Himachal Pradesh Legislature has seen many an ebb and flow. 25 January 1971, besides being of historical significance evokes a sense of nostalgia, sweet and sour. For centuries, the area lying in the lap of the majestic Himalayas and the Shivaliks has remained cut off from the mainstream, and the Rajas and Ranas (ruling princes) doggedly held on to their thumb-size principalities under the suzerainty of the British Crown. The people in these 'rajwadas' continued to suffer under the yoke of divine right theory and groan under the notorious repressive dictatorial regimes. For the subjects of Suket State, one of the 30 merging states which eventually came to form Himachal Pradesh, the D-Day came on 18 February 1948. Soon, one after the other, the rest of the Shimla Hill and Punjab States signed the instruments of accession and this paved the way for the emergence of a new administration and a free people.

The Legislature of Himachal Pradesh has been unicameral from the very beginning. At no point of time was a political voice raised to have an Upper House. In 1951, the strength of membership in the Assembly was 36 which was subsequently increased to 63 in 1971 and at present it has a total strength of 68 members for 68 constituencies in the State.

In India, due constitution of the House is not a matter of privilege as it is in Britain. Specific provisions are enshrined in the Constitution for this purpose. That is the reason why the question whether a Legislature has been propely and validly constituted is open to judicial scrutiny. The first or possibly the only case of this nature relates to Himachal Pradesh Legislative Assembly.

Himachal Pradesh and Bilaspur were two contiguous States of the part 'C' category under the Constitution. In 1951, an Act known as the

← State Legislature Building, Himachal Pradesh.

'Part C States Act' was passed by Parliament which provided for a Legislative Assembly in come of the Part 'C' States, including Himachal Pradesh (of 36 members) but excluding Bilaspur. The powers, privileges and immunities of these Assemblies were defined by the same Act as to be those of the Lok Sabha. In the General Election of 1952, members were elected to the Himachal Pradesh Assembly. While this Assembly was functioning, a Bill known as "the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Bill" was introduced in 1953. It was pending before the said Assembly when an Act was passed by Parliament known as "The Himachal Pradesh and Bilaspur (New state) Act (Act No.32 of 1954)", effective from 1 July 1954 providing for a House of forty-two members (five for Bilaspur territories) for the new State comprising Himachal Pradesh and Bilaspur. In the meantime, on 7 May, 1954 the Lt.- Governor of Himachal Pradesh had summoned the second session (the first session was held in 1953, i.e., prior to 1 July 1954) of the Himachal Pradesh Assembly to commence on 16 July 1954. The Bill introduced in 1953 regarding abolition of zamindaris and introducing certain reforms was passed during the said session, and the Act was given effect from 26 January 1955. Certain aggrieved landlords filed applications before the Supreme Court of India. The validity of the Act passed by an Assembly which purported to be the Legislative House of Himachal Pradesh after its merger with the State of Bilaspur, the latter having no representation in the House, was impunged for the purpose of assailing the Land Reforms Act. In Vinod Kumar and others *vs* the State of Himachal Pradesh, (AIR 1959 SC 223), the Supreme Court declared the Land Reforms Act ultra vires on the ground that the Legislative Assembly which passed the Act had not been properly and validly constituted.

STRUCTURE OF LEGISLATURE

At present the total membership of the Legislative Assembly is 68. The normal tenure of the assembly is five years unless dissolved before the expiry of tenure. The details of tenure of the successive Vidhan Sabhas are given in Table 1.

Table 1: Statement showing details of successive Vidhan Sabhas and their tenure

S.No.	Vidhan Sabha	Tenure	
		From	To
1.	First	3.8.1962	12.1.1967
2.	Second	1.3.1967	17.3.1972
3.	Third	18.3.1972	3.4.1977
4.	Fourth	22.6.1977	19.4.1982
5.	Fifth	24.5.1982	23.1.1985
6.	Sixth	8.3.1985	3.3.1990
7.	Seventh*	3.3.1990	

* The Assembly has since been dissolved on 15 December 1992.

ELECTION, PARTIES AND MEMBERS

The first ever election in Himachal Pradesh was held in January 1955. Thereafter elections have been held after every five years, namely, in 1957, 1962 (for the Territorial Council) and 1967, 1972, 1977 and 1982 (for the Assembly). It was only once on 23 January 1985 that the House was dissolved for the first time before the expiry of the normal tenure of the House, and mid-term elections were held in the month of March the same year. For the Seventh Vidhan Sabha, elections were held in February 1990.

Parties in Legislature: The criterion for the recognition of a parliamentary party or group is the same as in Parliament or any other State Legislature. An association of members having a distinct ideology and programme and possessing an organisation both inside and outside the House, can stake claim to be recognised as a parliamentary party or group according to the numerical strength in the House. One with a strength equal to the quorum of the House, which incidentally in the Himachal Assembly is as high as one-third, could be recognised as a parliamentary party and a group must command allegiance of at least three-fifth of the quorum.

Party Whips: No doubt the efficient and smooth working of the

parliamentary system depends substantially upon the Whips of the party in power as well as of the parties or groups in Opposition, though their role in the Himachal Pradesh Assembly has not been so forceful. The institution of Chief Whip or Chief Parliamentary Secretary first came in existence during 1966 when, for the first time, Thakur Ram Lal was appointed as the Chief Parliamentary Secretary.

Leader of the Opposition: Till 1980 no special privileges were attached nor facilities extended to the Leader of the Opposition. However, in 1980, services of a stenographer and free conveyance were provided at State expense to Shri Shanta Kumar, the then Leader of the Opposition.

Membership: The qualifications and disqualifications for membership of a Legislature are laid down in the Constitution and in the Representation of People Act, 1951.

Oath / affirmation: The rules provide that a member who has not already made and subscribed an oath or affirmation in pursuance of Article 188 of the Constitution, may do so at the commencement or at any other time of a sitting of the House. In relaxation, however, on several occasions ever since 1963, members mostly those returned from tribal constituencies or in by-elections, have made and subscribed oath or affirmation in the Chamber of the Speaker on days when the House was not in session. With a view to reconcile the rule and the practice, the relevant rule has been amended (effective from 4 April 1987). Now any member can do so at the commencement of the sitting or at any other time and place on any day even when the House is not in session, according as the Speaker may direct on receipt of a written request to that effect.

Salary and Other Facilities: Members are entitled to receive compensatory allowance and other allowances and facilities under various provisions of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 (as amended from time to time) and the rules made thereunder. A consolidated monthly allowance of Rs. 1600/- per month is paid for the entire term of a member as constituency, secretarial, stenographic and postal facilities allowance. Besides a member is also entitled to the following facilities:

(a) *Housing Facilities*: In order to meet adequately the needs of members for resident accommodation, a separate pool of residences for members has been established and allotment from this pool is made by the Speaker. Allotment of accommodation is made according to the "Himachal Pradesh Legislative Assembly" (Allotment of Accommodation in M.L.A. Hostel) Rules, 1981". A House Committee known as Housing Committee is constituted each year under the chairmanship of the Speaker to advise on the improvement of existing facilities.

(b) *Telephone Facilities*: Each member is entitled to have a telephone installed at any place within his constituency or at his permanent place of residence, if such facility is available at such place at normal rates and without incurring any additional cost, or at Shimla. The charges for the first installation of and security deposit and annual rent for the telephone is borne by the Vidhan Sabha Secretariat and all other expenses, such as those relating to local and outside calls, provision of additional facilities like Plan 103, Plug socket, or shifting are paid by the member. A member is paid telephone allowance at the rate of eight hundred rupees per mensem if he has telephone facilities. A member who does not or cannot have this facility is paid telephone allowance at the rate of two hundred and fifty rupees per mensem.

(c) *Medical Facilities*: Every member is entitled to such medical facilities for himself and for members of his family as are admissible to a Class-I Government servant under the relevant Act and rules. A dispensary exists in the Vidhan Sabha premises. Charges on various tests, room rent as an indoor patient and cost of medicines are reimbursed. A sitting member unlike a Government servant, however, is not required to produce an essentiallity certificate from the authorised medical attendant.

(d) *Stationery*: Demi-official letter-pads and stationery with State emblem is printed for the use of the members and is sold to them through the Controller or Printing and Stationery. Personalised stationery and New Year/Diwali

Greeting Cards, etc., are also printed and sold at cost price.

(e) *Transport Facilities*: Every member is provided with money value coupons which entitle him and his spouse or any other person accompanying him to look after and assist him, to travel by 1st class at any time by any railway in India provided the aggregate distance so travelled in a financial year does not exceed twenty thousand kilometres. He can use these coupons to travel by air-conditioned railway coach. Provided further that journey may also be performed within India by air by the member and his spouse or any other person accompanying him to look after and assist him and in that event an amount equivalent to the expenses incurred on such journey shall be reimbursed to the member and the amount so reimbursed shall be adjusted towards the entitlement to travel by rail.

(f) *Research, Reference and Library Facilities*: Legislative Assembly being the supreme deliberative body of the State, books on a wide range of topics covering almost all spheres of activity coming up for discussion before the House are available in the Library. Besides there is a Research and Information Service to provide the members with "balanced, unbiased and fair presentation of all relevant facts".

Resignation: Prior to the Constitution (33rd Amendment) Act 1974 a member wishing to resign had to communicate his intention in writing. On receipt, the Speaker, formally accepted it and consequently his seat in the House fell vacant. Under the modified provision, the Speaker is invested with power to make such enquiry as he thinks fit to satisfy that the resignation is voluntary and genuine.

Absence from House: A member desirous of seeking permission to remain absent from the sittings of the House has to follow the procedure prescribed in Rule 281 of the Rules of Procedure. He has to make an application in writing. The application is set down for consideration by the House and is taken up immediately after Question Hour before any business for the day is entertained.

In the Himachal Pradesh Legislative Assembly, no need has been

felt to constitute a Committee on absence of members. Nor has there been any case of a seat having been declared vacant because of the continued absence of a member beyond the period prescribed in Clause (4) of Article 190 of the Constitution.

SESSIONS AND SITTINGS

The Rules of Business of the Government as framed under Clauses (2) and (3) of Article 166 enjoin that the proposal to summon the House shall be placed before the Council of Ministers. In other words, the decision in regard to summoning, prorogation and dissolution of the House under Article 174 is that of the Council of Ministers. Before placing the proposal before the Cabinet, the Chief Minister informally consults the Speaker. At the official level, the proposal is initiated by the Department of Parliamentary Affairs. The decision of the Council of Ministers is submitted by the Minister of Parliamentary Affairs to the Governor through the Chief Minister and the Speaker.

Issue of Summons: Rule 4 of the Rules of Procedure requires the Secretary to issue summons to each member specifying the date and place for the session of the House. The summons are issued in a letter form with the order of the Governor under Article 174 reproduced verbatim. Ordinarily, the members are given at least 20* days' advance notice, but when a session is called at shorter notice, the members, in addition, are informed telegraphically as also through an announcement over the radio. Along with the summons, the members are sent copies of the bulletin indicating *inter alia* the business likely to be transacted, the days on which financial and Private Members' Business would be taken up and of the provisional calendar of meetings. For the members' convenience, printed forms of notices of questions, Private Members' Resolutions, special mention, etc., are simultaneously delivered at their local residences.

Secret Sessions: No secret session of the Assembly has been held so far, though necessary provision has now been made (13 April 1987) in the Rules of Procedure (Rules 279-A to 279-E). Emergent sessions

* In 1964 the rules provided for a minimum 14 days' notice. The 1973 rules prescribed no such time limit. Rule 4 was amended to provide for 20 days' notice period w.e.f. 23 March 1983.

were held thrice, during 1975: the first on 7 May, second on 28 July and the third on 9 August. All were summoned to ratify constitutional amendments.

Table 2: Number of sessions held by each successive House

Name of the House	Period From	To	No. of sessions held
First Vidhan Sabha	3.8.1962	12.1.1967	9
Second Vidhan Sabha	1.3.1967	17.3.1972	14
Third Vidhan Sabha	18.3.1972	3.4.1977	16
Fourth Vidhan Sabha	22.6.1977	19.4.1982	12
Fifth Vidhan Sabha	24.5.1982	23.1.1985	7
Sixth Vidhan Sabha	8.3.1985	3.3.1990	16
Seventh Vidhan Sabha	3.3.1990	—	6 (upto 30 June 1992)

BUSINESS OF THE HOUSE

Business Advisory Committee: During the session, the Business Advisory Committee meets frequently to allot time for various items and stages of the legislative and other Government business. The Speaker has also entrusted the Committee with allotment of time for the Private Members' Business. Time allotment for taking up admitted short duration discussions, half-an-hour discussion, etc., are also generally referred to this Committee.

List of Business: A List of Business for every sitting is prepared by the Secretary. Varying kinds of business are arranged in the order indicated in Rule 320 of the Rules of Procedure and Conduct of Business with the approval of the Speaker, keeping in view, among other pertinent facts, the statement of business for the week announced by the Leader of the House and the recommendations of the Business Advisory Committee as approved by the House.

Private Members' Business: Unless otherwise directed by the Speaker, the Private Members' Business (Resolutions and Bills) are taken up on the second and fourth Fridays in a month. In case, however, any of these Fridays is utilised for transaction of Government business, the Speaker, in consultation with the Leader of the House, may appoint any other day in lieu thereof. This provision remained in

force till 1973 when in consideration of the fact that no session of the House ever lasted as long as a month and the members did not get adequate time, the provision was modified. Later any two Fridays in a month were set apart for this purpose. Since even this amended provision failed to fully satisfy the private members, yet another amendment has been enacted with effect from 4 April 1987 whereby the Speaker is now empowered to fix such number of days (preferably Fridays) during a session as he may deem adequate. Thus, in a session having four to five sittings, one day is now invariably earmarked and when the session lasts a bit longer, minimum two days are set apart for such business.

Rules of Debate: It is the responsibility of the Presiding Officer to regulate the conduct of debates and keep them within the bounds of order and decency. For this purpose, he has been given extensive powers for controlling the debate in an orderly and dignified manner, which of course, is increasingly becoming a hard and unenviable task. There are two factors which, to a large extent, are responsible for making the task almost 'nerve- shattering'. The present day representatives, differently educated and elected by a large mass of voters, have a tendency to show an irrepressible desire to serve the cause and interest of their constituents by ventilating their grievances vociferously. The press gives them publicity which additionally serves as an incentive for more "talking". Naturally, there is a growing stream of members struggling to catch the Speaker's eye.

Members are recognised only if they are on the seats allotted to them. On being called, they would stand to speak. The members handicapped in any way, may be permitted by the Speaker to make the speech while sitting. Reading of speeches is generally not appreciated, though a member may refresh his memory by a reference to notes. The Ministers, when they make policy statement, stick to the prepared texts. A member who is on his legs should not be interrupted. This is the etiquette of the House. But of late a tendency has developed to show scant respect to it. Normally, a member can speak only once in the course of discussion on an issue and with the reply of the mover of the original motion, the debate concludes.

Voting Procedure: On the conclusion of a debate, the Speaker puts

the question and invites those who are in favour to say 'Ayes' and those against to say 'Noes'. The voices are assessed and the question before the House is determined accordingly. If the opinion of the Speaker as to the decision of a question is challenged, and he thinks, that the division is being unnecessarily claimed, he may ask the members favouring or opposing the question, turn by turn, to rise in their places and thereupon declare the determination on the basis of the court.

Division on Lobbies: When a division is ordered, the division bells are rung normally for two minutes. The lobbies are got vacated. No one other than the members and Ministers with voting right are allowed. As soon as the bells stop ringing, all the outer doors of the lobbies of the Chamber are closed to prevent any entry until division has been concluded. The Chair then puts the question a second time and declares whether, in his opinion, the 'Ayes' or the 'Noes' have it. If the opinion is again challenged, he directs the 'Ayes' and 'Noes' into their lobbies, where votes are recorded by Division Clerks who make the return to the Secretary or Senior Officer at the Table. There is no automatic voting system in operation.

Proceedings: Hindi is the official language of the State. Nevertheless, there is no rigidity in approach. Members speak in English or Hindi, as they wish in the House and in the Committees. Verbatim proceedings of the House are drawn in the same language in which a member has actually spoken, though the title and index of the debates are in Hindi. No translation, either of the proceedings or of the Committee Reports is attempted, nor is there any provision of simultaneous interpretation. Besides the verbatim proceedings, the Secretary brings out daily a bulletin in which a brief record of the proceedings of the House at each of its sittings is entered. Compilation of decisions and observtions from the Chair has been brought out from October 1963 onward. The verbatim record of a day's proceedings is sent to hon'ble members for correction latest by the day following, though in the past it used to take two to three days because of shortage of Reporters. A few of the hon'ble members are very particular to go through the transcripts and confirm or correct the uncorrected copies. The uncorrected record is later edited and got approved from the Hon'ble Speaker before print order is placed with the Controller of Printing and Stationery.

PRESIDING OFFICERS

A Speaker *pro tem* is appointed in circumstances and in the manner provided in Article 180 of the Constitution. In Himachal Pradesh, the name of a member with the longest tenure, continuous or otherwise, is suggested by the Chief Minister for appointment by the Governor after informal consultation with the Speaker. The orders in this regard are issued by the Department of Parliamentary Affairs. The oath or affirmation, according to the form set out for the purpose in the Constitution, is administered to him by the Governor in his office in Raj Bhawan in the presence of such members of the Council of Ministers and the Assembly and Parliament members as may be in station and choose to attend the function. The Chief Secretary to the Government and the Secretary of the Vidhan Sabha are the two prominent officers who are invariably present on the occasion. After oath has been administered, the Roll of Members is signed. For election to the office of the Speaker, the procedure is the same as it is in Parliament, namely, nominations duly seconded are filed before noon on the date preceding the date fixed by the Governor for the conduct of election. The motions are moved and seconded one by one in the order in which they have been received, and, are decided, if necessary, by division. As soon as a motion is carried, the person presiding without putting later motions declares the member proposed in the motion which has been carried, as the Speaker of the House. Prior to 24 April 1973, the voting on each motion was by ballot. Where more than two candidates were nominated and at the first ballot no candidate obtained more votes than the aggregate votes obtained by all the other candidates, the candidate obtaining the smallest number of votes was excluded and fresh ballot taken. The candidate with the smallest number of vote at each ballet continued to be eliminated until one candidate had secured more votes than the remaining candidates or than the aggregate votes of the remaining candidates, as the case may be.

The above procedure applies *mutatis mutandis* for election to the office of Deputy Speaker, though in this case the date of election is appointed by the Speaker.

The Speaker vacates the office as soon as he ceases to be the member of the Assembly. He may at any time tender written resignation or he

may be removed from office by a resolution of the Assembly passed by a mjaority of all the then members. Whenever the Assembly is dissolved, the Speaker does not vacate his office until immediately before the first meeting of the Assembly after the dissolution. In Himachal Pradesh, no incumbent has vacated his office on ceasing to be a member of the Assembly.

The Speaker and the Deputy Speaker within and outside the State, occupy the same position as determined by the warrant of precedence issued by the President's Secretariat from time to time. There is neither any law nor orders nor precedents of Speaker being second in heirarchy to act as Governor of the State.

The salary and allowances admissible to the Presiding Officers are regulated under a specific law. The Speaker receives the same salary and facilities as a Minister of Cabinet rank and the Deputy Speaker those of a Minister of State. This is equally true in the case of residence, which is free for the duration of the entire tenure and 15 days thereafter, medical care, personal staff, security, travel, advances, etc.

The Speaker exercises the same powers in relation to the House, its proceedings, constitution of the Committees, the proceedings before the committees, as the Presiding Officer of the Lok Sabha does.

Names of Speakers and Deputy Speakers of the Himachal Pradesh Vidhan Sabha are given in Tables 3 and 4 respectively:

Table 3: Statement showing the names and tenure of Speakers, Vidhan Sabha.

Name	Tenure	
	From	To
Shri Jainwant Ram	24.3.1952	31.10.1956
Shri Des Raj Mahajan	4.10.1963	18.3.1967
	20.3.1967	19.3.1972
Shri Kultar Chand Rana	28.3.1972	29.6.1977
Shri Sarwan Kumar	30.6.1977	7.5.1979
Shri T.S. Negi	8.5.1979	21.6.1972
	22.6.1982	14.9.1984
Smt. Vidya Stokes	11.3.1985	20.3.1990
Shri Radha Rama Shastri	20.3.1990	17.8.1990
Shri T.S. Negi	20.8.1990	till date

Table 4: Statement showing the names and tenure of Deputy Speaker, (Vidhan Sabha)

Name	Tenure	
	From	To
Shri Krishan Chand	27.3.1952	31.10.1956
Shri Tapendra Singh	17.10.1963	12.1.1967
Shri Amin Chand	29.3.1967	17.3.1972
Shri Lekh Ram Thakur	20.3.1972	21.4.1977
Shri Ranjit Singh Verma	4.7.1977	14.2.1978
Shri Vijay Kumar Joshi	29.6.1982	23.1.1985
Shri Dev Raj Negi	7.3.1986	16.3.1989
Shri R.N. Sharma	29.3.1989	3.3.1990
Shri R.R. Kondal	17.8.1990	till date

PROCESS OF LEGISLATION

A Bill which is draft of a legislation, originates in the administrative department concerned. It is hammered into legal shape in the Law Department. The Bills, whether Government or Private, pass through the same three stages as in any of the unicameral State Legislature. Seven days' advance notice is required both in respect of Government and Private Members' Bills. Alongwith are sent three authenticated printed copies of the Bill. Though the recommendation of the Governor under Article 207 is printed on the Bill, a written communication to that effect is sent separately by the concerned Minister in the name of the Secretary. It is reproduced in the bulletin and circulated amongst the members in advance of the date of introduction. Rules provide for pre-publication but this provision has not been invoked so far. The publication in the official Gazette is done after the introduction. References to Gazette is done after the introduction. References to Select Committees have been few and far between. During the first, third, fifth and sixth Vidhan Sabhas, no Bill was referred to a Select Committee though as many as 35, 132, 103, 54 and 60 Bills respectively were considered and passed. In the second Vidhan Sabha, only 4 Bills out of 112 were referred to Select Committee.

After the third reading, a copy in the form in which it has been passed is forwarded to the department concerned to point out any verbal, printing or consequential amendments. The Bill is thereafter printed on parchment paper. The Speaker signs four copies, and on a 'Money Bill' endorses a certificate to this effect. Whether or not a Bill is a Money Bill is decided by the Speaker himself. In this, he is not advised by any Committee or any other authority. For Governor's assent, four signed copies are sent through the Law Department. After the Governor has given his assent, notification to this effect is issued by the Law Department giving it the Act number for publication in the Gazette. To the Vidhan Sabha Secretariat, only one signed copy of the Bill is returned for record. So far the Governor has not assented to only in one case.

When the Legislative Assembly is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may, under Article 213, promulgate such ordinances as the circumstances appear to him to require. The Executive has been exercising this law-making power off and on, but not as frequently as in some other States. There has been no instance where an Ordinance after it had lapsed was again promulgated.

Ratification of Constitution Amendment Bill: In the matter of ratification of a constitutional amendment, the Minister concerned brings forth a resolution seeking approval of any such amendment. It is preceded by a communication from either the Lok Sabha or the Rajya Sabha Secretariat, from where are received related debates of both the Houses. The Vidhan Sabha Secretariat makes it a point to circulate well in advance copies of the Bills as introduced and as passed by both the Houses alongwith the Parliamentary proceedings. After the resolution has been adopted, an intimation to this effect is sent to the concerned Secretariat of Parliament.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

The Himachal Pradesh Assembly inherited the procedure as evolved over the time and in existence in the Legislature of Uttar Pradesh as

well as in Parliament. Starred, Unstarred and Short Notice Questions are asked and answered and so are half- hour discussions permitted on matters arising out of answers given to questions, whether starred or unstarred. Short duration discussions are also allowed in accordance with the same conditions as are prevalent in Parliament.

The Question Hour: Questions of absent members, as per rules, have to be taken up, time permitting, in the second round. The practice, however, has been to allow the authorised member to ask the question when called in the first round itself. The relevant rule has been amended (in 1987) to conform to this practice. Unlike in certain other State Legislatures, in Himachal Pradesh, postponed questions have precedence over the questions for the day and short notice questions are taken up even before the postponed questions are called and the time for all these questions is the first hour of the day without any extension.

Half-an-Hour Discussion: After the member has introduced the subject in a short statement, the Minister concerned, according to the rule, makes a brief statement. Thereafter, other members, with the permission of the Speaker, may put questions for the purpose of further elucidating any matter of fact. The practice, however, has been to allow other members to take part in the discussion that follows.

Calling Attention Notices: There is a limitation of two such matters being raised at any one sitting. Considering the eagerness of the member, the then Speaker, relying on para 46 of the Speaker's Directions, ruled that the limit would apply only if the matters are on the same subject. On the basis of this interpretation, for the first time, as many as four such notices were listed to on 4 July 1977. The maximum number—five—were listed on 5 April 1982.

Special Mentions: A member who wishes to bring to the notice of the House any matter which is not a point of order has to give a written notice stating briefly the point which he wants to raise together with reasons. The matter is included in the list of business on such day as the Speaker may consent to fix. In the past there were few instances of members making use of this device. With the passage of time, members' clamour to raise issues increased to the extent that at one point of time it was apprehended that 'zero hour' may make its

appearance in this House too. In order to avoid it, the then Speaker, introduced the mechanism of special mentions on the lines of Parliament. Detailed rules were issued through a direction of the Speaker on 19 March 1981. This mechanism of ventilating the public grievances has become very popular indeed, evidence as it is, from the large number — 10 to 12—of issues now being listed every day. Although it is not incumbent on the Minister concerned to make a statement in reply then and there, the Ministers have been very particular to explain the Government position soon after the issue is raised.

Governor's Address: At the commencement of the first session after each General Election and at the commencement of the first session of each year, the Governor is enjoined upon to address the Legislative Assembly and inform it of the causes of its summons. Discussion on the Governor's Address takes place on a motion of thanks moved by a member and seconded by another member (who as per established practice is one selected by the Chief Minister) and on any amendments received thereto from the members.

The Governor has the additional right to address the Assembly under Article 175. Under this provision of the Constitution, no Governor has addressed the Himachal Pradesh Assembly, nor has sent any message for the consideration of the House.

Petitions: A Committee on Petitions comprising seven members is nominated every year by the Speaker to perform the functions as are assigned to similar Committees of Parliament and the State Legislatives. The Petitions presented to the House stand referred to this Committee. In the Third Vidhan Sabha, two petitions were presented one of which related to a Bill (H.P. Tenancy and Land Reforms (Amendment) Bill, 1974) then pending consideration before the House. The third petition was presented during the fourth Vidhan Sabha. For looking into serious administrative lapses, no investigating committee was ever constituted. In the seventh Vidhan Sabha four petitions have been received and stand referred to Committee on Petitions.

BUDGET IN LEGISLATURE

The Budget: For every financial year the Governor causes a statement

of the estimated receipts and expenditure for that year to be laid before the House. The Department of Parliamentary Affairs in consultation with the Finance Department suggests for the consideration of the Council of Ministers a day on which the Budget be presented. After their approval, order of the Governor is obtained. It is communicated by the Finance Minister to the Secretary, Vidhan Sabha. Sometimes, however, when the date is suggested alongwith the date of summoning of Assembly, no separate communication is sent as in such cases the note in original is received in the Vidhan Sabha Secretariat. The Budget comprises the following document:

(i) Budget Speech of the Finance Minister.
(ii) Budget in Brief.
(iii) Annual Financial Statement (Budget).
(iv) Estimates of Receipts.
(v) Economic Review of the State.
(vi) Review of Public Sector Undertakings.
(vii) Explanatory Memorandum to the Budget.
(viii) Schedule of New Expenditure (Non-Plan)
(ix) Schedule of New Expenditure (Plan)
(x) Schedule of New Expenditure (Plan) Part-I-Technically New Schemes.
(xi) Appendices to Schedule of New Expenditure (Plan) Vol. II.; and
(xii) Demands for Grants separately for each Department.

The Budget is dealt with by the House in two stages, namely (i) General Discussion; and (ii) Voting of Demands for Grants. There is no discussion of the Budget on the day on which it is presented. Later, but never before two clear days, the general discussion commences. The Budget as a whole and questions of principles involved therien are discussed. After the general discussion is over, the second stage of Voting on Demands is taken up. This relates only to votable items. Each demand is deemed to have been introduced by the Minister incharge.

Cut Motions: Notices of motions to omit or reduce any grant are entertained normally up to two days before the day appointed for the Voting on Demands to start. The conditions of admissibility are the same as in other Legilatures. Admitted notices are printed and circulated amongst all the administrative departments/the finance department besides the members. When a particular demand is taken up, all the cut-motions policy, economy and token-relating thereto are treated as having been moved, after the Chair has ascertained the desire of the members in whose names these stand. Discussion that follows embraces the subject matter of cut motion too. Preference in calling members to speak is given to such of them who have tabled cut motions, though usually members from treasury benches also catch the eye of the Speaker and participate.

Guillotine: On the last day of the days allocated for this purpose, half-an-hour or so before the usual close of the sitting, the Speaker puts every question necessary to dispose of all the outstanding matters in connection with the Demands for Grants. The total number of days for transaction of financial business, namely general discussion and Voting on Demands, are allocated by the Executive. On an average, 6 to 7 days are earmarked for the year's budget and 2-3 days for supplementary budget though it usually happens that the general discussion spills over to the days allotted for Voting on Demands with the result that majority of demands are guillotined.

The Appropriation Bill: Voting of the expenditure estimates does not by itself confer on Government authority to incur expenditure to the extent voted. Financial procedure is so constructed as to give the fullest opportunity for ventilation of every point of view and to avoid haste as far as possible. That explains why after the Voting on Demands is completed, an Appropriation Bill is brought forward to give legal effect to the demands as voted and to authorise the issue of moneys from the Consolidated Fund. So far, there has been no instance of any member raising seriously an issue of budget leakage. May be because levy of taxes and its impact on the market which could be the prime cause of leakage has been minimal in the State.

LEGISLATIVE COMMITTEES

In the beginning there were the Committees on Public Accounts, Estimates, Delegated Legislation (re-named in 1973 Subordinate Legislation), Government Assurances, Business Advisory Privileges, Petitions and Rules. In functions and working procedure these replicate the corresponding committees of Parliament. At present, following are the Committees of the House:

(a) Standing Committees

(1) Committee on Public Accounts
(2) Estimates Committee
(3) Committee on Subordinate Legislation
(4) Committee on Government Assurances
(5) Business Advisory Committee
(6) Committee on Privileges
(7) Committee on Petitions
(8) Committee on Rules
(9) Committee on Public Undertakings
(10) Committee on Welfare of Scheduled Castes and Scheduled Tribes
(11) Committee on Papers Laid on the Table
(12) Official Implementation Committee

(b) Ad-hoc Committees

(1) General Purposes Committee
(2) Library Committee
(3) House Committee

Except the Estimates and Public Accounts Committee, which are elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote, all the others are nominated by the Speaker in the

month of April/May every year, generally, soon after the end of the Budget Session. Although the rules prescribe one year as the life, as a convention, once constituted, the membership generally is allowed to run a two-year term. Prior to 13 April 1987, the Public Accounts Committee elects its Chairman from amongst its members. From 1969 to 1971 a member of Opposition was elected the Chairman but it is only from 1977 onwards that a convention was developed of the Chairman being from the Opposition. Now the Chairmen of the Committees are nominated by the Speaker. Of the Privileges Committee, the Deputy Speaker is the Chairman, and of the Business Advisory and Rules Committees, the Speaker. The above-named ad hoc Committees too are headed by the Speaker. Representation on each of these Committees is roughly proportionate to the strength of the parties/groups in the House though reasonable accommodation is shown to the non-party (independent) members. The Chief Whips of the Ruling and the Opposition parties/groups submit lists of their own party members for consideration by the Speaker, though he is not bound to go strictly by these recommendations. The nomination of the Chairman is made keeping in mind the seniority, aptitude and experience and, of course, recommendation of the Leader of the House in this behalf.

There are three Financial Committees of the House, namely, the Estimates Committee, the Public Accounts Committee and the Committee on Public Undertakings. These three financial committees constitute by far the most potent legislative mechanism for effective financial accountability of administration and legislative oversight.

Estimates Committee: The Estimates Committee is constituted "for the examination of such of the estimates as may seem fit to the Committee or are specifically referred to it by the House or the Speaker." The functions of the Committee are:

a) to report what economies, improvements in organisation, efficiency or administrative reform consistent with the policy underlying the estimates, may be affected;
b) to suggest alternative policies in order to bring about efficiency and economy in administration;

c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
d) to suggest the form in which the estimates shall be presented to the House.

The Committee examines all governmental activities in the light of what it costs to public. In other words, the Committee goes beyond estimates to scrutinise the functioning of the Government.

Public Accounts Committee: The Public Accounts Committee was constituted to fill in the gap in the cycle of financial control with a view to making the parliamentary control over the purse full and complete. The Committee is constituted mainly for the examination of the appropriation of the Government. It is empowered to examine the annual finance accounts as also such other accounts as may be laid before the House. It exercises its own discretion as to the accounts it would take up for examination and scrutiny. The Committee, in brief, satisfies itself that the moneys spent by the Government meet the following requirements:

i) that they were legally available;
ii) that they were applied for the particular service or purpose; and
iii) that the reappropriation had been done according to rules.

Committee on Public Undertakings: The Commitee on Public Undertakings is of recent origin. It is nominated by the Speaker. It came into being for the first time during 1973. In functions, it is an amalgam of both the Estimates and Public Accounts Committees, in relation to the State Public Undertakings. Although the word 'Public Undertaking' is not defined, the jurisdiction of the Committee has, over the time, vastly expanded more so by the amendment of rules carried out in March 1987. Now all the companies registered under the Central Companies Act, all autonomous bodies created either under Central Laws, viz., Financial Corporation, State Electricity Board, Road Transport Corporation, or those created under the State statutes, viz., Khadi and Village Industries Board, Housing Board and

bodies organised under the Town and Country Planning Act, 1977, etc., fall within the ambit of this Committee.

The reports are presented to the House, and, only when the House is dissolved before time, the submission is made to the Speaker, who causes such reports to be placed on the Table of the House by the Secretary when the new House meets in its first session. (The ad-hoc committees generally, however, do not make any reports, but the Committee constituted to watch the progress of switch over to Hindi, the State Language, do submit its reports in the session.

LEGISLATIVE PRIVILEGES

The freedom of speech and freedom of publication of proceedings are two privileges which have specifically been mentioned in clauses (1) and (2) of Article 194 of the Constitution. With respect to other privileges of the House, clause (3) of the some Article lays down that the powers, privileges and immunities shall be those of the House of Commons of the United Kingdom at the commencement of the Constitution until they are defined by an Act. No law as envisaged has been enacted by Parliament or any other State Legislative much less by Himachal Pradesh.

Committee on Privileges: According to rules, a question involving the breach of privilege either of a member or of the House or of a Committee thereof can, with the consent of the Speaker, be brought to the notice of the House by a complaint from a member; or a report from the Secretary; or a petition; or a report from a Committee. For breach committed in its actual view, no doubt, the House is competent to take action without any formal complaint. To raise an issue of breach of privilege, a writtten notice has to be given to the Secretary, who obtains the consent of the Speaker. Simultaneously order as to whether the member is to be permitted to raise the issue of the House or it is straightway to be referred to the Committee on Privileges under advice to the House are obtained. In the former case, the item is listed in the List of Business of the day following. The member who is permitted to raise the issue in the House, makes a short statement. He concludes by reading his complaint. The Speaker thereupon

announces the reference thereof to the Committee on Privileges for examination, investigation and report. The Committee on Privileges is presided over by the Deputy Speaker and comprises seven members. The major Opposition parties/groups are adequately represented. The Committee proceeds in the matter as per procedure settled by rules.

SERVICING OF LEGISLATURE

The Secretary: The Secretary is the fulcrum around which the Secretariat of a Legislature revolves. He administers the Secretariat and exercises full control over its officers and staff, of course, under the over-all superintendence and control of the Speaker. The Secretary in the Himachal Pradesh Assembly performs almost the same duties as are attended to by the Secretary-General of the Lok Sabha. He is vested with financial and administrative powers to the same extent as are conferred on a Secretary to the Government. The Speaker may delegate him such powers, as he may deem fit. At present the Speaker has delegated to him power to make appointment to all categories of posts in the Secretariat except Class I posts.

Table 5 gives the tenure of successive Secretaries,

Table 5: Successive Heads of the Vidhan Sabha Secretariat

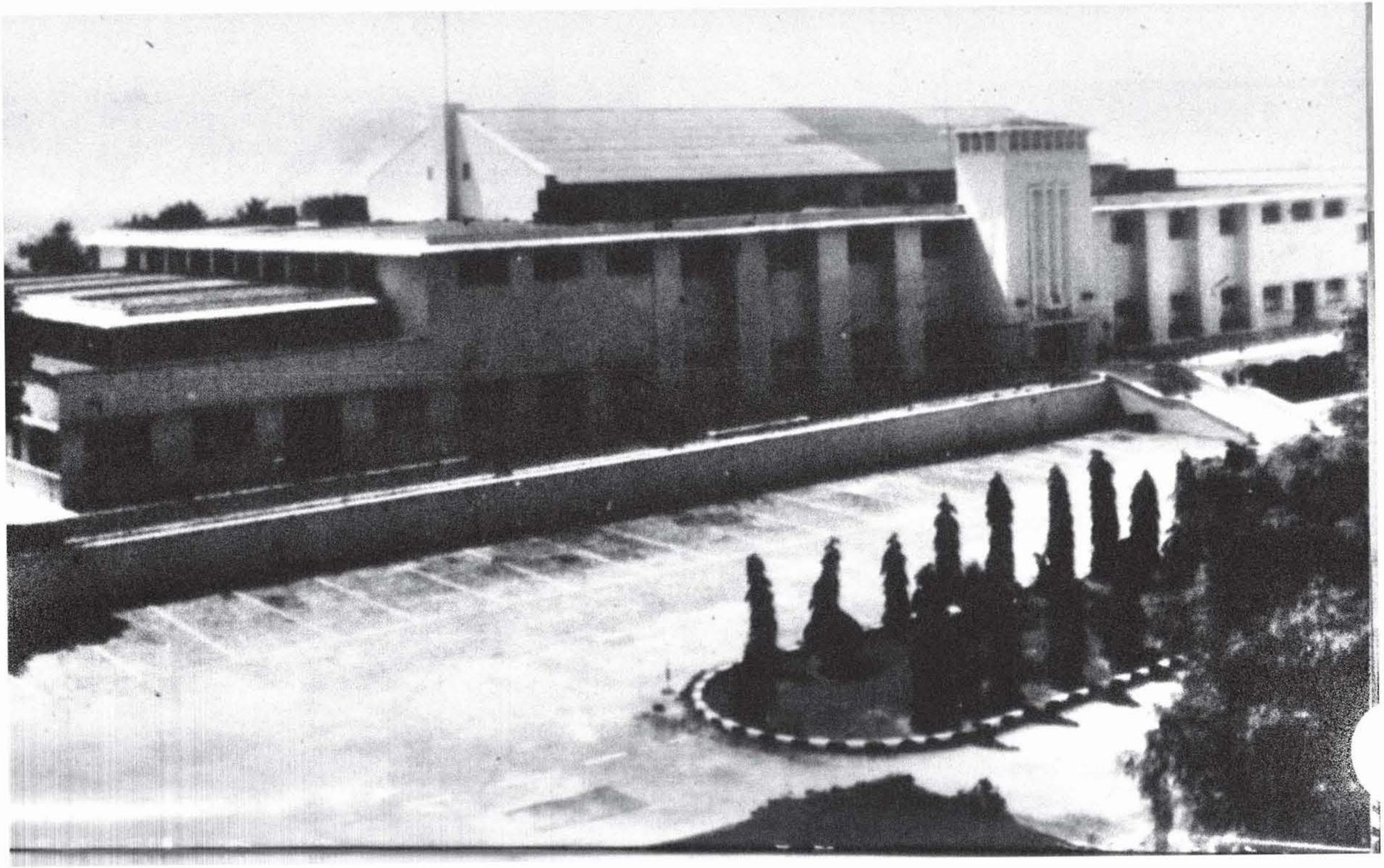
S.No.	Name of the Succesive Secretary	From	To
1.	Shri N.C. Nandi	23.3.1952	6.4.1952
2.	Shri Chet Ram Thakur	7.4.1952	12.9.1955
3.	Shri Bansi Dhar Sharma	23.6.1955	23.6.1956
4.	Shri Lachhman Dass	24.6.1956	31.10.1956
5.	Shri Surendra Nath	1.7.1963	23.12.1963
6.	Shri B.D. Lal	24.12.1963	9.5.1967
7.	Shri Des Raj Dhamija	10.5.1967	7.1.1968
8.	Shri Shamsher Singh	26.5.1972	4.4.1975
9.	Shri Ved Parkash Bhatnagar	8.4.1975	18.5.1979
10.	Shri Surender Prakash	1.6.1979	21.10.1980
11.	Shri R.K. Mahajan	12.11.1980	14.5.1982
12.	Shri V. Verma	14.5.1982	31.1.1988
13.	Shri L.S. Kashyap	23.7.1987	till date

The Secretariat: Nothing precise is known about the status and position of the Secretariat that existed from 1952 to 1956. In June, 1963, the Territorial Council was wound up. Those working in the General Section of its Chief Executive Officer, other than departmental sections, became the nucleus of the Assembly Secretariat. The first task that they bent their energies to was to locate the record and furniture of the 1952-1956 Assembly with a view to prepare for the new House to meet. The task was arduous and turned into nightmare lacking active support and cooperation from the concerned authorities, who thought they had more important things in hand. After the emergence of Himachal Pradesh as a State in 1971, the Governor Himachal Pradesh, in pursuance of the provision of Article 187 of the Constitution of India issued an Order vide No. 13-1/71-GA-c dated 3 April 1972 and declared separation of Vidhan Sabha Secretariat from the Civil Secretariat and independence from the executive control. Recruitment and Conditions of Service Rules based on the model rules circulated by the Lok Sabha Secretariat were drafted and placed before the Governor. Simultaneously, a proposal was mooted to have a separate cadre for the Assembly Secretariat. After protracted correspondence the rules were notified during April 1974, though a separate Secretariat fixing the staff strength had been created during December 1971.

Relatively being a small organisation there is no infrastructure for imparting training. Therefore, the conventional on-the-job training is mostly relied upon; though officers and staff are deputed for training to the Himachal Pradesh Institute of Public Administration whenever the content of a particular training course is found to be conducive to the needs of the Secretariat as well as to the Bureau of Parliamentary Studies and Training of the Lok Sabha Secretariat.

Right from 1963 the Assembly Secretariat has been housed in the Counil Chamber', a building constructed in the twenties to house the then Viceroy's Executive Council. In the initial stages, only the first floor was transferred and subsequently when the All India Radio shifted its Studios to its newly constructed building, the charge of ground floor too passed on to the Vidhan Sabha Secretariat in 1976. Interestingly the ownership of the building still continues with the Union Government.

Library, Research, References and Information Service: At present there are about 20,000 books in the Library. Books generally stocked are on political, economic and social subjects. This does not mean that other subjects of common interest are neglected but the approach in making addition is selective. The library service is presently open only to members, former members, officers and staff of the Legislature. The issue of books is regulated according to the library rules. Apart from the Assembly's own debates and reports of its committees, files of Debates and Committee Reports of the Lok Sabha and of a few Hindi-speaking States are being maintained. Congressional debates of U.S. House of Representatives are also received on reciprocal basis. Another reciprocal arrangement taken advantage of is the exchange of Committee reports with micro-films thereof. Folders of press clippings of important Hindi and English newspapers arranged subject-wise are also maintained. A periodical entitled *Periodica* is issued quarterly based on important periodicals as a part of selective dissemination of information of special interest.



JAMMU AND KASHMIR

ORIGIN AND GROWTH

The State Legislature in Jammu and Kashmir which began in the colonial environment of the early thirties has, over the years, attained greater functional maturity and structural diversification. The first legislature established in 1934 consisted of a Council of Ministers and an Assembly, with the Council enjoying a predominant position. Even in matters of legislation, the role of the Council, appointed and answerable to the Maharaja of Jammu and Kashmir (J & K) was far more important than that of the Assembly. Thus the first Legislature was established with extremely limited powers and gave predominant weightage to an official and nominated majority. Elections to the first Constituent Assembly of the State for the purpose of framing a separate Constitution for the State were held on 15 October 1950. It held its deliberations from 31 October 1950 to 26 January 1957 and gave the State its own Constitution.

Elections to the J & K Legislative Assembly were held in 1957, 1962 and 1972. In February 1975 Sheikh Mohd. Abdullah after a gap of 22 years alongwith Mirza Mohd. Afzal Beg, Thakur Devi Dass and Shri Sonam Narboo headed the government with the support of Congress Party. In March 1977 a No-Confidence Motion was moved against Sheikh Mohd. Abdullah by the Congress Party and the J & K State came under Governor's Rule on 27.3.1977 which was followed by elections in July 1977. A popular Government headed by Sheikh Mohd. Abdullah was formed which among other things extended the life of the Assembly by one year from 5 years to 6 years by amending the J & K State Constitution. After the death of Sheikh Mohd. Abdullah in September 1982, his son Dr. Farooq Abdullah was sworn in as the new Chief Minister on 8 September 1982. Subsequently elections were held in March 1983 and the National Conference under Dr. Farooq

– State Legislature Building, Jammu & Kashmir.

Abdullah was once again voted to power. Thereafter Shri Ghulam Mohd. Shah of the breakaway section of the National Conference, candidate supported by Congress Party, was sworn in as the Chief Minister on 2.7.1984 and continued in office till 6.3.1986. J & K Legislative Assembly was placed under suspended animation on 7.3.1986 and the Governor assumed all the legislative and executive powers of the State. It was followed by President's Rule with effect from 7.9.1986. The J & K Legislative Assembly was finally dissolved on 7.11.1986 and later on elections were held in March 1987. Dr. Farooq Abdullah became the Chief Minister of the National Conference-Congress I coalition Government. The J & K State was again brought under Governor's Rule on 19.1.1990 and the J & K Legislative Assembly was placed under suspended animation and was subsequently dissolved on 19.2.1990. It was followed by President's Rule with effect from 18.7.1990. The State continues to be under President's Rule till date, viz., February 1993.

STRUCTURE OF LEGISLATURE

In terms of Section 46 of the J & K Constitution the Legislature consists of the Governor and the two houses known as the Legislative Council (Upper House) and the Legislative Assembly (Lower House). Section 47 of the J & K Constitution provides that the Legislative Assembly consists of one hundred members chosen by direct election from territorial constituencies in the State. However, section 48 provides that twenty-four seats shall remain vacant in the Legislative Assembly for the area of the State presently under the occupation of Pakistan. These seats are not taken into account for reckoning the total membership of the Assembly. The proviso to section 47 provides that the Governor may if he is of the opinion that women are not adequately represented in the Legislative Assembly, nominate not more than two women to be members of the Legislative Assembly.

The Legislative Council consists of 36 members. The Upper House is not subject to dissolution but as nearly as possible one-third of the members thereof retire as soon as may be on expiration of every second year in accordance with the provisions made in this behalf.

In terms of Section 32 of J & K Constitution, the Legislative

Assembly unless sooner dissolved, continues for six years from the date appointed for its first meeting. The life of Lower House was extended from 5 years to 6 years in the year 1977 after amending the aforementioned provision of the Constitution.

OATH/AFFIRMATION

The first duty of every member elected to the Legislature is to make and subscribe an oath or affirmation in pursuance of Section 64 of the Constitution. The oath/affirmation is made and subscribed before the respective Presiding Officers of the two Houses.

RESIGNATION

A member of either House of Jammu and Kashmir Legislature ceases to be a member of that House if he resigns his seat in writing under his hand addressed to the Chairman or the Speaker, as the case may be and his resignation is accepted by the Chairman or the Speaker, then his seat becomes vacant. However, if from information received or otherwise and after making such enquiry Presiding Officer of either House is satisfied that the resignation is not voluntary or genuine he does not accept such resignation.

ABSENCE FROM HOUSE

If a member of either House of Legislature absents himself from the sittings of the House, without any permission, for a period of sixty days, the House may declare his seat vacant. However, in computing the said period of sixty days no account shall be taken if such absence caused by reason beyond his control or any period during which the House is prorogued or is adjourned for more than four consecutive days.

WITHDRAWAL AND SUSPENSION OF MEMBERS

Rules 410 and 411 of the Rules of Procedure and Conduct of Business

in the J & K Legislative Assembly lay down the procedure for withdrawal and suspension of members of the House.

The Speaker may direct any member whose conduct, in his opinion, is grossly disorderly to withdraw immediately from the House, and any member so ordered to withdraw does so forthwith and absents himself during the reminder of the day's sitting.

The Speaker may, if he deems it necessary name a member who disregards the authority of the Chair or abuses the Rules of the House by persistently and wilfully obstructing the business thereof. If a member is so named by the Speaker, the Speaker, on a motion being made, forthwith puts the question that the member (naming him) be suspended from the services of the House for a period not exceeding the remainder of the session: provided that the House may, at any time, on a motion being made, resolve that such suspension be terminated. A member thus suspended is to withdraw forthwith from the precincts of the House as defined in the Rules and cannot enter the defined precincts unless and until his suspension is not revoked.

SESSIONS AND SITTINGS

Issue of Summons: Under Section 53 of the Constitution of Jammu and Kashmir, the Governor is empowered to summon each House of the Legislature to meet at such place and time as he thinks fit but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session. However, when a session is called at short notice or emergently, summons are not issued to each member separately but an announcement of the time and place of the session is made in the Press and published in the Gazette and members are informed telegraphically.

SITTINGS OF THE HOUSE

A sitting of the House is duly constituted when it is presided over by the Speaker or any other member competent to preside over a sitting of the House under the Constitution or the Rules of the Assembly. A sitting of the House ordinarily commences at 9.30 a.m. and concludes

at 13.30 hours. The House sits on Mondays, Tuesdays, Wednesdays, Thursdays and Saturdays during a session except the day which is declared as a public holiday by the Government or as an off-day by the House or by the Speaker in consultation with the Leader of the House.

ADJOURNMENT OF THE HOUSE

Under Rule 412 of the Rules of Procedure and Conduct of Business the Speaker adjourns the House to the next sitting in the same session or *sine die* at the closing hour fixed under these Rules or by the House.

SUSPENSION OF SITTING

In the case of a grave disorder arising in the House during the course of a sitting, the Speaker may, if he thinks it necessary to do so, suspend the sitting till a later hour on the same day or adjourn the House to the next sitting in the same session.

SECRET SITTING OF THE HOUSE

On a request made by the Leader of the House, the Speaker fixes a day or part thereof for holding a sitting to be present in the Chamber, Lobby or Galleries during this sitting. The Speaker may cause a report of the proceedings of a secret sitting to be issued in such manner as he thinks fit. No other person present is allowed to keep a note or record of any proceeding or decisions of a secret sitting or issue any report or purport to describe such proceedings. Disclosure of proceedings or decisions of such secret sitting by any person in any manner is treated as a gross breach of privilege of the House.

BUSINESS OF THE HOUSE

Legislative business is divided into two broad headings: the Government Business and the Private Members' Business. Before any of these two is taken up for discussion in the respective Houses, a List of

Business for the day is prepared by the Secretary and a copy thereof is made available for the use of members. The Secretary arranges that business in such order as the Chairman or the Speaker, as the case may be, may after consultation with the Leader of the House determine.

Government Business includes all business other than Private Members' Business. The business takes place on such days as are allotted for transaction of Government business.

PRIVATE MEMBERS' BUSINESS

The Speaker, after considering the state of business of the House, may allot days as may be possible for Private Members' Business and may allot different days for the disposal of different clauses of such business, and on days so allotted for any particular class of business, business of that class does have precedence.

In the Legislative Council two days are kept for the Private Members' Resolutions. Not more than one resolution of a member is allotted for one day, and not more than seven resolutions are entered in the List of Business for one day.

It is the function of the Committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Speaker, in consultation with the Leader of the House may direct for being referred to the Committee. The Committee has the power to indicate in the proposed time-table the different hours at which the various stages of the Bill or other business are to be completed. The Committee has such other functions as may be assigned to it by the Speaker from time to time.

RULES OF DEBATE

The Chairman/Speaker can call any member to speak on a particular motion and it is obligatory on the part of the member to speak from his place within the allotted time. The members have a right to intervene on a Point of Order.

VOTING PROCEDURE

Usually motions are passed/negatived by voice votes. Sometimes show of hands become necessary. On the conclusion of a debate, the Presiding Officer puts the question to vote by saying those who are in favour of the motion may say 'Aye' and those against the motion may say 'No'. Accordingly the fate of the motion is decided. If the decision of the Presiding Officer is challenged, he asks the members to rise in their places and on a count being taken, he declares the determination of the House. If again the result of the voice vote is challenged, the Presiding Officer decides the matter by division.

PROCEEDINGS

The Secretary causes a full report of the proceedings of the House at each of its sittings and as soon as practicable, publishes it in such a form and manner as the Speaker from time to time directs.

If the Speaker is of the opinion that words have been used and actions made in debate which are defamatory or indecent or unparliamentary or undignified, he in exercising his discretion orders that such words be expunged from the proceedings of the House. Undignified, indecent and unparliamentary expressions used by the members are not to be reported and recorded.

PRESIDING OFFICER

Each House of the Legislature has a Presiding Officer. The Presiding Officer of the Legislative Council is called the Chairman and that of the Assembly the Speaker.

The election of the Chairman is held on such date as the Governor may fix the Secretary sends the notice thereof to every member. The election of the Deputy Chairman is held on such date as the Chairman may fix. In the absence of the Chairman and the Deputy Chairman, the Governor appoints any person who is a member of the Legislative Council as an acting Chairman.

The election of the Speaker is held on such date as the Governor

may by order fix, and the Secretary is to inform the members through post or telegraphically of the date appointed for such election. At any time before 12.00 hours on the day preceding the date so fixed, any member has the right to give notice in writing, addressed to the Secretary, of a motion that another member be chosen as the Speaker of the House, and the aforesaid notice should be seconded by a third member and has to be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Speaker, if elected. But a member cannot propose or second more than one motion. The motions which have been moved and duly seconded are put on in the order in which they have been moved, and decided, if necessary, by division. If any motion is carried, the person presiding may without putting later motions, declare that the member proposed in the motion which has been carried, has been chosen as the Speaker of the House.

The election of the Deputy Speaker is held on such date as the Speaker may fix and the procedure of election is the same as that of the Speaker.

At the commencement of the House or, from time to time, as the case may be, the Speaker nominates from amongst the members a panel of not more than three Chairmen, any one of whom may preside over the House in the absence of the Speaker and the Deputy Speaker when so desired by the Speaker, or, in his absence, by the Deputy Speaker or in his absence also by the Chairman presiding. A Chairman so nominated holds office until a new panel of chairmen is nominated. The Deputy Speaker or any other member competent to preside over a sitting of the House under the Constitution or these Rules, have same powers as the Speaker when so presiding.

Any member wishing to give a notice of a resolution, under Clause (c) of Section 58 of the Constitution for the removal of the Speaker or the Deputy Speaker, can do so in writing to the Secretary. On receipt of such a notice, a motion for leave to move the resolution is entered in the List of Business in the name of the member concerned, on a day fixed by the Speaker, provided that the day so fixed is any day after fourteen days from the date of receipt of notice of the resolution. The Speaker or the Deputy Speaker or the person presiding, as the case

may be, thereupon places the motion before the House and requests those members who are in favour of leave being granted to rise in their places. If not less than twenty members rise accordingly, the Speaker or the Deputy Speaker or the person presiding, as the case may be, declares that leave has been granted and that the resolution will be taken up on such day, not being more than ten days from the date on which leave is asked for, as he may appoint. The Speaker or the Deputy Speaker against whom the resolution is under consideration cannot preside in terms of Section 60 of the Constitution of Jammu and Kashmir. In terms of 2nd proviso to Section 58 of the Constitution of Jammu and Kashmir the Speaker does not vacate his office whenever the Assembly is dissolved and continues in his office until the first meeting of the Assembly after dissolution. On the appointed day the resolution is included in the List of Business to be taken up after the question hour and before any other business of the day is entered upon. If less than twenty members rise, the Speaker informs the member that he has not the leave of the House.

FUNCTIONS OF SPEAKER

His functions include presiding over the sessions of the House, recognising members on the floor, deciding points of order, maintaining decorum during the proceedings of the Legislative Assembly, putting a question to division and, finally announcing the results. In addition, the Speaker performs many more functions conferred on him both by the Constitution and Rules of the House. The Speaker's power of giving a ruling in the event of a dispute is a crucial one. If any notice contains words, phrases or expressions which are argumentative, unparliamentary, ironical, irrelevant, verbose or otherwise inappropriate, the Speaker has the power to amend such notice before it is circulated.

PROCESS OF LEGISLATION

The Speaker may, on a request being made to him, order the publication of any Bill (together with the Statement of Objects and Reasons, the memorandum regarding delegation of legislative power and the

financial memorandum accompanying it in the Gazette although no motion has been made for leave to introduce the Bill. In that case it is not necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it is not necessary to publish it again.

Any member, other than a Minister desiring to move for leave to introduce a Bill, gives notice of his intention, and, together with the notice, submits a copy of the Bill and an explanatory Statement of Objects and Reasons which should not contain arguments. The period of notice of a motion for leave to introduce a Bill is clear thirty days prior to the commencement of the session unless the Speaker allows the motion to be made at shorter notice.

As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, is to be published in the Gazette.

When a Bill is introduced, or on some subsequent occasion, the member incharge of the Bill makes one of the following motions in regard to his Bill, namely:

(i) that it be taken into consideration; or
(ii) that it be referred to a Select Committee of the House; or
(iii) that it be referred to a Joint Committee of the Houses with the concurrence of the Council; or
(iv) that it be circulated for the purpose of eliciting opinion thereon.

After such a motion being made, the principle of the Bill and its provisions are generally discussed but the details of the Bill are not discussed further than is necessary to explain its principle. At this stage no amendments to the Bill are allowed to be moved.

After the presentation of the final report of a Select Committee of the House or a Joint Committee of the Houses, as the case may be, on a Bill, the member incharge moves:

(a) that the Bill as reported by the Select Committee of the House or the Joint Committee of the Houses, as the case may be, be recommitted to the same Select Committee or to a new

Select Committee or to the same Joint Committee or to a new Joint Committee with the concurrence of the Council, either —

(i) without limitation; or
(ii) with respect to particular clauses or amendments only; or
(iii) with instructions to the Committee to make some particular or additional provision in the Bill or

(c) that the Bill as reported by the Select Committee of the House or the Joint Committee of the Houses, be circulated or re- circulated, as the case may be, for the purpose of elicting opinion or further opinion thereon.

The debate on a motion that the Bill as reported by the Select Committee of the House or the Joint Committee of the House, as the case may be, be taken into consideration is confined to consideration of the report to the Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill.

Amendments are ordinarily considered in the order of the clauses of the Bill to which they respectively relate; and in respect of any such clause a motion is deemed to have been made: "That this clause stand part of the Bill."

The Speaker may, when a motion that a Bill be taken into consideration has been carried, submit the Bill, or any part of the Bill, to the House clause by clause. When this procedure is adopted, the Speaker call each clause separately and, when the amendments relating to it have been dealt with, puts the question: "That this clause (or, that this clause as amended, as the case may be) stand part of the Bill".

The consideration of the schedule or schedules are put from the Chair, and may be amended, in the same manner as clauses, and the consideration of new schedules follows the consideration of the original schedules. The question is then put: "That this schedule (or, that this schedule as amended, as the case may be) stand part of the Bill". Clause one, the Enacting Formula, the Preamble if any and the Title

of a Bill stand postponed until other clauses and schedules have been disposed of.

When a motion that a Bill be taken into consideration has been carried and no amendment of the Bill is made, the member incharge may at once move that the Bill be passed. Where a Bill has undergone amendments, any member may object to a motion being made on the same day, that the Bill as amended be passed, and such objection prevails unless the Speaker allows the motion to be made. If the objection is allowed, a motion that the Bill as amended be passed, may be brought forward on any future date. To such a motion no amendment may be moved which is not either formal, verbal or consequential upon an amendment made after the Bill was taken into consideration. The discussion on a motion that the Bill or the Bill as amended, as the case may be, be passed is confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making a speech, a member does not refer to the details of the Bill further than is necessary for the purpose of his arguments which are of a general character.

Where a Bill is passed by the House, the Speaker has the power to correct patent errors and make such other changes in the Bill as are consequential upon the amendments accepted by the House.

The Secretary submits a copyu of the Bill or the Bill so corrected to the Speaker and it shall be signed by him.

One of the copies of the Bill certified by the Speaker is then transmitted to the Council for its consideration and, in the case of Money Bills, for its recommendation.

If a Bill other than a Money Bill passed by the House and transmitted to the Council:

(a) is passed by the Council without amendment; or
(b) is rejected by the Council;

the message received from the Council to the effect is reported by the Secretary to the House if in session, or published in the Bulletin for the information of the members, if the House is not in session. If a Bill

other than a Money Bill is passed by the House and transmitted to the Council and more than three months elapse from the date on which the Bill is laid before the Council without the Bill being passed by it, the Secretary, as soon as may be, reports these facts to the House.

At any time after a message has been reported to the House or published in the Bulletin, the member incharge of the Bill to which the message or the report, as the case may be, pertains, may in the same or in any subsequent session, after giving three days' notice or with the consent of the Speaker with shorter or without notice, move that the Bill as originally passed by the House be passed again. On such motion there is no discussion, nor any amendments to be proposed to the Bill except such amendments, if any, as are made necessary by the delay in the passage of the Bill.

If a Bill other than a Money Bill passed by the House and transmitted to the Council is returned to the House with amendments, it is, on receipt, to be laid on the Table. After the amended Bill has been laid on the Table, the member incharge of the Bill may after giving three days' notice or with the consent of the Speaker with shorter or without notice, move that the amendment made by the Council be taken into consideration. If a motion that the amendments made by the Council be taken into consideration is carried, the Speaker puts the amendments to the House in such manner as he thinks most convenient for their consideration. An amendment relevant to the subject matter of an amendment made by the Council is allowed but no further amendment is to be moved to the Bill unless it is consequential upon, or an alternative to an amendment made by the Council or is made necessary by the delay in the passage of the Bill.

If the House agrees to the amendment or amendments made by the Council, a message is sent to the Council to that effect. But if the House disagrees with the amendment made by the Council, the member in-charge of the Bill moves that the Bill as settled in the House be passed. If the motion is carried, the Bill is returned to the Council with a message to that effect.

If after a Bill other than a Money Bill passed for the second time by the House and transmitted to the Council is rejected by the Council, the Bill is deemed to have been passed by the Houses in the form in

which it was passed by the House for the second time. The message received from the Council regarding rejecting of the Bill is reported to the House by the Secretary, if in session, or published in the Bulletin for the information of members, if the House is not in session.

If more than one month elapses from the date on which a Bill other than a Money Bill passed for the second time by the House and transmitted to the Council is laid before the Council without the Bill being passed by it, the Bill is deemed to have been passed by both the Houses in the form in which it was passed by the House for the second time. In every such case the Secretary, as soon as may be, reports these facts to the House.

If, after a Bill other than a Money Bill has been passed by the House for the second time and transmitted to the Council is returned to the House with amendments, it is, on receipt, required to be laid on the Table along with such amendments.

After the amended Bill has been laid on the Table, the member incharge of the Bill may, after giving three days' notice or without notice, move that the amendments be taken into consideration.

If such a motion is carried, the Speaker puts the amendments in such manner as he thinks convenient for their consideration but no further amendment is allowed to be moved to the Bill at this stage and the Bill is deemed to have been passed by the Houses in the form in which it was passed by the House for the second time with such amendments if any, as have been made by the Council and agreed to by the House. Where any of the amendments made by the Council has been agreed to by the House, a message to that effect is sent to the Council.

If a Money Bill passed by the House and transmitted to the Council is returned to the House without recommendations, the message to that effect is reported to the House by the Secretary, if in session or published in the Bulletin for the information of members if the House is not in session and the Bill is presented to the Governor for his assent. If a Money Bill passed by the House and transmitted to the Council is returned to the House with amendments recommended by the Council, it is, on receipt, required to be laid on the Table alongwith the amendments recommended by the Council. If a motion that the

amendments recommended by the Council be taken into consideration is carried, the Speaker puts the amendments recommended by the Council to the House in such a manner as he thinks most convenient for their consideration. If the House accepts any amendment or amendments recommended by the Council, the Bill is deemed to have been passed by both the Houses with the amendment or amendments recommended by the Council and accepted by the House and message to that effect is sent to the Council. If the House does not accept any of the recommendations of the Council, the Bill is deemed to have been passed by both the Houses in the form in which it was passed by the House without any of the amendments recommended by the Council and a message to that effect is sent to the Council.

Bills originating in the Legislative Council pass through similar stages before they are presented to the Governor for his assent. A Money Bill cannot be introduced in the Legislative Council.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

The Question Hour: The first hour of every sitting is available for asking and answering questions in both the Houses. There are three types of questions: starred, unstarred and short notice questions. Questions to which oral answers are sought are called starred questions. To distinguish them from other questions, an asterisk mark is put on the top of the question. Questions to which written answers are sought are called unstarred questions. Thirty clear days notice of a question is required for its admissibility. The Chairman/Speaker in his discretion sometimes decides whether a question should be a starred or unstarred one. He may also disallow any question or a part thereof. A member of the Assembly/Council is required to give not more than 15 starred questions and 15 unstarred questions in the Budget Session and 10 starred and 10 unstarred questions in respect of other sessions.

A question relating to a matters of public importance may be asked with notice shorter than thirty clear days and if the Speaker is of the

opinion that the question is of an urgent importance he may direct that an enquiry may be made with the Minister concerned if he is in a position to reply and if so, on what date. If the Minister concerned agrees to reply, such question is answered on a day to be indicated by him and is called immediately after the questions, which have appeared on the list of questions for oral answer, have been disposed of.

HALF-AN-HOUR DISCUSSION

The Speaker allots half-an-hour on Mondays and Wednesdays for raising discussion on a matter of sufficient public importance which had been the subject of a recent question oral or written. Likewise, in the Legislative Council, a half-an- hour discussion is allowed by the Chairman on Thursday and Saturday for raising discussion on a matter of public importance.

A member wishing to raise a matter has to give notice in writing to the Secretary two days in advance of the day on which the matter is desired to be raised, and should briefly specify the point or points that he wishes to raise. The notice is to be accompanied by an explanatory note stating the reasons for raising such a discussion and it is also to be supported by the signatures of at least two other members.

ADJOURNMENT MOTIONS

Under Rule 56 of the Rules of Procedure and Conduct of Business, a member can submit a notice of an adjorunment motion for the purpose of discussing a definite matter of urgent public importance with the consent of the Speaker and leave of the House. Such a notice is given not later than one hour before the commencement of the sitting on the day on which the motion is proposed to be made. Not less than twenty members should rise in their places in support in order to get the leave of the House. If the leave is granted by the House to move the motion, the Speaker intimates the hour at which the motion is to be taken up. The debate on a motion to discuss a definite matter of urgent public importance, if not earlier concluded, automatically terminates at the end of two hours' debate, and thereafter no question is put. No speech

during the debate on a motion 'That the House do now adjourn' exceeds fifteen minutes in duration unless otherwise indicated by the Speaker.

MOTION OF NO-CONFIDENCE

In terms of Rule 213 of the Rules of Procedure and Conduct of Business any member can move a motion expressing want of confidence in the Council of Ministers subject to the folllowing restrictions, namely:

(a) leave to move the motion is usually taken up after questions and before the List of Business for the day is entered upon;
(b) the member asking for leave is required to give a written notice to the Secretary before commencement of the sitting for the day.

If the Speaker is of the opinion that the motion is in order, he requests those members who are in favour of leave being granted to rise in their places, and if not less than twenty members rise accordingly, the Speaker declares that leave is granted and that the motion is taken up on such day, not being more than ten days from the date on which leave is asked for, as he may appoint. If less than twenty members rise, the Speaker informs the member that he has not the leave of the House. The Speaker, at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith puts every question necessary to determine the decision of the House on the motion.

CALLING ATTENTION NOTICE

In terms of Rule 208 of the Rules of Procedure and Conduct of Business, a member desirous of raising discussion on a matter of urgent public importance can do so by giving a notice in writing to the Secretary specifying clearly the matter to be raised provided the notice is accompanied by an explanatory note and supported by the signatures of at least two other members. If the Speaker is satisfued with

the explanatory note he can admit the notice and fix the date on which such notice is taken for reply by the Minister. No discussion is allowed at this stage. Any member desirous of raising discussion on a matter of urgent public importance arising out of answer to a question can give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. The notice has to be accompanied by an explanatory note stating reasons for raising discussion on the matters in question and supported by the signatures of at least two other members. The Speaker, in consultation with the Leader of the House, fixes the date on which the matter is taken up for discussion.

PRIVATE MEMBERS' RESOLUTIONS

In terms of Rule 175 of the Rules of Procedure and Conduct of Business any member other than a Minister, who wishes to move a resolution on a day allotted for Private Members' Resolutions can give notice alongwith a copy of such resolution to the Secretary fifteen days prior to the commencement of the session. Resolutions seeking information on matters pending before courts, tribunals, statutory authority, judicial or quasi-judicial commission or containing arguments, inferences or ironical expressions are disallowed. Resolutions are usually determined by ballot. Not more than one resolution of each such member is ballotted for any one day earmarked for such resolution and not more than seven resolutions are entered in the List of Business for that day.

GOVERNOR'S ADDRESS

After the Governor has delivered his address under Section 54(1) or Section 55(1) of the Constitution, the Speaker shall report the fact to the House and lay a copy of such Address on the Table. The Speaker in consultation with the Leader of the House allots time for the discussion of the matters referred to in the Governor's Address. The discussion opens with a Motion of Thanks which is seconded by another member. The Chief Minister replies to the debate and the motion is then adopted.

PETITIONS

In terms of Rules 163 to 173 any member can present petitions to the House provided it is couched in respectful, decorous and temperate language in the formate provided in the Rules. The language should either be English or Urdu and if a petition is presented in any other language, it should be accompanied by a translation either in Urdu or in English. The petition is signed by the petitioner with his full name and address. A member cannot present petition from himself. Letters, affidavits or other documents are not attached to any petition. Every petition should be addressed to the House and should conclude with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates. Every petition is, after presentation, referred to the Committee on Petitions.

At the commencement of the House, or from time to time, as the case may be, the Speaker nominates a Committee on Petitions consisting of not less than seven members. Minister is not nominated in the Committee. The Committee examines every petition referred to it, and if the petition complies with the prescribed Rules, the Committee directs that it be circulated. Where circulation of the petition has not been directed, the Speaker can direct that the petition be circulated. Circulation of the petition may be in extenso or in summary as the Committee or the Speaker may direct. After examination of the petition the Committee reports to the House about the fate of such complaint and suggest remedial measures in concrete form applicable to the case under review or to prevent such cases in future.

BUDGET IN LEGISLATURE

The Budget: The Annual Financial Statement or the Statement of the Estimated Receipts and Expenditure of the Government in respect of each financial year, is known as the Budget. It is presented to the House on such day as the Governor may direct and is presented in such form as the Finance Minister may settle. There is no discussion of the Budget on the day on which it is presented to the House.

Demands for Grants: A separate demand is ordinarily made in

respect of the grant proposed for each Ministry, provided that the Finance Minister may include in one demand grants proposed for two or more Ministries or Departments or make a demand in respect of expenditure which cannot readily be classified under particular Ministries.

Each demand contains, first a statement of the total grant proposed and then a statement of the detailed estimate under each grant divided into items.

On a day to be appointed by the Speaker, subsequent to the day on which the Budget is presented and for such time as the Speaker may allot for this purpose, the House is at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion is to be moved nor the Budget be submitted to the vote of the House. The Finance Minister has a general right of reply at the end of the disussion.

The Speaker in consultation with the Leader of the House allots as many days as may be compatible with the public interest for the discussion and voting of Demands for Grants. On the last day of the allotted days at the closing hour fixed or at such other hour as the Speaker fixes in advance, the Speaker forthwith puts every question necessary to dispose of all the outstanding matters in connection with the Demands for Grants.

Motions may be moved to reduce any Demand for Grant. No amendments to motions to reduce any Demand for Grant is permissible. When several motions relating to the same Demand for Grant are offered, they are discussed in the order in which the heads to which they relate appear in the Budget.

A motion can be moved to reduce the amount of a demand in any of the following ways:

i) Disapproval of the Policy Cut;
ii) the Economy Cut; and
iii) the Token Cut.

VOTE ON ACCOUNT

A motion for vote on account states the total sum required and the

various amounts needed for each Ministry/Department or item of expenditure which compose that sum should be stated in a schedule appended to the motion. Amendments may be moved for the reduction of the whole grant or for the reduction or omission of the items whereof the grant is composed. *Discussion of the general character* is allowed on the motion or any amendment moved thereto, but the details of the grant are not to be discussed further than is necessary to develop the general points. In other respects, a motion for vote on account is dealt with in the same way as if it were a Demand for Grant.

APPROPRIATION BILL

At any time after the introduction in the House of an Appropriation Bill, the Speaker may allot a day or days, jointly or severally, for the completion of all or any of the stages involved in the passage of the Bill by the House, and when such allotment has been made, the Speaker, at the closing hour fixes, under the Rules or, by the House, on the allotted day or the last of the allotted days, as the case may, forthwith puts every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the day or days have been allotted. Subject to the provisions on the Constitution, the procedure in regard to an Appropriation Bill is the same as for Bills generally with such modifications as the Speaker considers necessary.

The debate on the Appropriation Bill is restricted to matters of public importance or administrative policy implied in the grants covered by the Bill which have not already been raised while the relevant Demands for Grants were under consideration.

The Speaker, in order to avoid repetition of debate, may require members desiring to take part in discussion on an Appropriation Bill to give advance intimation of the specific points they intend to raise, and he may withhold permission for raising such of the points as in his opinion appear to be repetitive of the matters discussed on a Demand for Grant or as may not be of sufficient public importance. If an Appropriation Bill is in pursuance of a supplementary grant in

respect of an existing service, the discussions are confined to the items constituting the same, and no discussion raised on the original grant nor policy underlying it save insofar as it may be necessary to explain or illustrate a particular item under discussion.

FINANCE BILL

Finance Bill means the Bill ordinarily introduced in each year to give effect to the financial proposals of the Government for the following financial year and includes a Bill to give effect to supplementary financial proposals for any period.

The procedure in respect of the Finance Bill is the same as in the case of Appropriation Bill.

SUPPLEMENTARY, ADDITIONAL, EXCESS AND EXCEPTIONAL GRANTS AND VOTES OF CREDIT

Supplementary, additional, excess and exceptional grants and votes of credit are regulated by the same procedure as is applicable in the case of Demands for Grants subject to such adaptations, whether by way of modification, addition or ommission, as the Speaker deems necessary or expedient. The debates on the supplementary grants is confined to the items constituting the same and no discussion is allowed to be raised on the original grants or policy underlying them save insofar as it may be necessary to explain or illustrate the particular items under discussion.

LEGISLATIVE COMMITTEES

With a view to exercising control over the Government, there are a number of Committees in the Legislature. These are either formed from among the members of the Legislative Assembly or from among members of both the Houses. The important Financial Committees are: the Committee on Public Accounts, the Committee on Estimates and the Committee on Public Undertakings.

COMMITTEE ON PUBLIC ACCOUNTS

The Committee on Public Accounts, in addition to the Finance Minister as an *ex-officio* member, consists of not more than eleven members, of whom not more than nine members are elected by the Assembly every year from among its members according to the principle of proportional representation by means of the single transferable vote and not more than two members who are likewise elected by the Council every year from among its members. The term of office of members of the Committee does not exceed one year.

Notwithstanding anything contained in Rule 344(1), if the Speaker is satisfied that due to any reason it is not practicable to hold election to the Committee by the Assembly at the appropriate time, he may, by order, direct that elections to such Committee be held by postal ballot in such manner as he may specify; provided that where it is not practicable to hold election by postal ballot, as aforesaid, the Speaker may nominate the members of the Committee. Likewise, the Chairman, Legislative Council may, on the request from the Speaker, nominate the members of the Committee from the Council.

The Committee examines the accounts showing the appropriation of sums granted by the House for the expenditure of the Government, and annual finance accounts of the Government and such other accounts laid before the House as the Committee may think fit.

In scrutinising the Appropriation Accounts of the Government and the report of the Comptroller and Auditor-General thereon, it is the duty of the Committee to satisfy itself:

(a) that the moneys shown in the accounts as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged;
(b) that the expenditure conforms to the authority which governs it, and
(c) that every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority.

It is also the duty of the Committee:

(i) to examine the statement of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes, concerns and projects together with the balance sheets and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the statutory rules regulating the financing of a particular corporation, trading or manufacturing scheme or concern or project and the report of the Comptroller and Auditor-General thereon;

(ii) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies, the audit of which may be conducted by the Comptroller and Auditor- General of India either under the directions of the Governor or by a Statute; and

(iii) to consider the report of the Comptroller and Auditor-General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stocks.

If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee examines with reference to the facts of each case the circumstances leading to such an excess and make such recommendations as it may deem fit. The Committee does not exercise its functions in relation to such Public Undertakings as are allotted to the Committee on Public Undertakings by these rules or by the Speaker.

Committee on Estimates: The Committee on Estimates consists of eleven members, of whom not more than nine members are elected by the Assembly every year from its members according to the principle of proportional representaion by means of single transferable vote and not more than two members are likewise elected by the Council every year from among its members. A Minister is not to be elected or nominated as a member of the Committee and if a member, after his

election or nomination to the Committee is appointed a Minister, he ceases to be a member of the Committee from the date of such appointment.

If the Speaker is satisfied that due to any reason it is not practicable to hold elections to the Committee by the Assembly at the appropriate time, he may by order, direct that elections to the Committee shall be held by postal ballot in such manner as he may specify; provided that where it is not practicable to hold elections by postal ballot as aforesaid, the Speaker may nominate the members of the Committee. Likewise, the Chairman, Legislative Council may, on a request from the Speaker, nominate the members of the Committee from the Council. The term of office of the members of the Committee does not exceed one year.

The function of the Committee are:

(a) to report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates, may be effected;
(b) to suggest alternative policies in order to bring about efficiency and economy in administration;
(c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
(d) to suggest the form in which the estimates are to be presented to the Legislature; provided that the Committee does not exercise its functions in relation to such public undertakings as are allotted to the Committee on Public Undertakings by these rules or by the Speaker.

The Committee continues the examination of the estimates from time to time throughout the financial year and reports to the House as its examination proceeds. It is not incumbent on the Committee to examine the entire estimates of any one year.

Committee on Public Undertakings: The Committee consists of eleven members of whom not more than nine members are elected by the Assembly every year from among its members according to the principle of proportional representation by means of single

transferable vote and not more than two members are likewise elected by the Council every year from among its members. A Minister cannot be elected or nominated as a member of the Committee and if a member, after his election or nomination to the Committee, is appointed a Minister, he ceases to be a member from the date of such appointment.

It the Speaker is satisfied that due to any reason it is not practicable to hold elections to the Committee by the Assembly at the appropriate time, he may by order, direct that the elections to the Committee are to be held by postal ballot in such manner as he may specify. But where it is not practicable to hold elections by postal ballot as aforesaid, the Speaker may nominate the members of the Committee.

Likewise, the Chairman, Legislative Council may, on a request from the Speaker nominate the members of the Committee from the Council.

The term of office of the members of the Committee does not exceed one year.

The functions of the Committee are:

(a) to examine the reports and accounts of the Public Undertakings specified in the Fifth Schedule;
(b) to examine the reports, if any, of the comptroller and Auditor-General on the Public Undertakings;
(c) to examine, in the context of the autonomy and efficiency of the Public Undertakings, whether the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices; and
(d) to exercise such other functions vested in the Committee on Public Accounts and the Committee on Estimates in relation to the Public Undertakings specified in the Fifth Schedule as are not covered by Clauses (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time.

The Committee does not examine and investigate any of the following, namely:

(i) matter of major Government policy as distinct from business or commercial functions of the Public Undertakings;
(ii) matters of day to day administration;
(iii) matters for consideration of which any special machinery is established by any Public Undertaking.

Besides these three financial Committees, the other Committees of the Legislature are: The Business Advisory Committee, The Committee on Petitions, The Committee on Privileges, the Committee on Subordinate Legislation, The Committee on Government Assurances. The Rules Committee, Library Committee and Press Advisory Committee.

LEGISLATIVE PRIVILEGES

A question involving a breach of privilege either of a member or of the House or of a Committee thereof, may, with the consent of the Speaker be brought to the notice of the House, by (i) a complaint from a member, (ii) a report from the Secretary, (iii) a petition; or (iv) a report from a Committee of the Assembly. If the breach is committed in the actual view of the House, the House may take action without any complaint. Moreover, if the complaint is against a member, the Speaker may hear him before giving his consent. (Rule 238)

A member wishing to raise a question of breach of privileges has to give notice in writing to the Secretary before the commencement of the sitting on the day on which the question is proposed to be raised. If the complaint is founded upon a document, the notice is to be accompanied by such document. (Rule 239)

The right to raise a question of privilege is governed by the following conditions, namely:

(i) not more than one question is raised at the same sitting;
(ii) the question is restricted to a specific matter of a recent occurrence;
(iii) the matter requires the intervention of the House (Rule 240)

Having given his consent, the Speaker refers the matter to the Committee on Privileges and acquaints the House thereof, or he asks the member making the complaint, after the questions and before the List of Business is entered upon, for further elucidation. Thereupon, the member reads out his complaint as well as the documents, if any, before the House and makes a short statement. The Speaker after hearing any other member, if necessary, decides if the complaint is in order.

Provided that the Speaker may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised any other time during the course of a sitting after the disposal of questions:

Provided further that where the Speaker has refused his consent under Rule 238 or is of the opinion that the matter proposed to be discussed is not in order, he may read out the complaint in the House and state that he refuses his consent or holds that the same is not in order.

If the Speaker is of the opinion that the complaint is in order, he may call the member making the complaint, who rises in his place and while asked for leave to raise the question of privilege makes a short statement relevant thereto, if such statement has not already been made by him. If objection to leave being granted is taken, the Speaker may request those member who are in favour of leave being granted, to rise in their places, and if not less than twenty members rise accordingly, the Speaker declares that leave is granted. If less than twenty members rise, the Speaker informs the member that he has not the leave of the House. If the leave is granted, the House may consider the question and come to a decision or refer it to the Committee on Privileges on a motion made either by the member who has raised the question of privilege or by any other member.

Committee on Privileges: At the commencement of the House or from time to time, as the case may be, the Speaker nominates a Committee on Privileges consisting not more than seven members.

The Committee examines every question referred to it and determines with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and may make a report to the House

containing such recommendations as it may deem fit.

If the Committee on Privileges is of opinion that a breach of privilege has been committed, the Committee recommends to the House for inflicting the following punishments; namely: (i) admonition, (ii) reprimand, (iii) suspension of a member (iv) fine (v) expulsion of a member, (vi) imprisonment, the term whereof is at the pleasure of the House but it should not extend beyond the prorogation or dissolution of the House, whichever is earlier; (vii) any other punishment which the House may deem proper and fit in pursuance of the provisions of Section 72 of the Constitution.

SERVICING THE COUNCIL

The Secretary: In terms of Rule 3 of Jammu and Kashmir Legislative Council Secretariat (Recruitment and Conditions of Services Rule, 1956 subject to the control of Chairman), the Secretary administers the Council Secretariat and exercises full control over the officers and staff of the Secretariat. He is also responsible for smooth working of the Secretariat. Under Rule 7 the Secretary, Deputy Secretaries and Under Secretaries are appointed by the Governor on the recommendation of the Chairman. The Secretary aids and advises the Chairman in respect of all legislative matters. The Secretary performs the duties of the drawing and disbursing officer and enjoys all powers in accordance with the Jammu and Kashmir Financial Code and the Book of Financial Powers. For the purpose of administrative matters of the Council's Secretariat, the Secretary exercises all powers of the Head of the Department.

The Secretary is appointed by promotion/selection from amongst the senior-most officers and retires from the service after the completion of 58 years of age. His post corresponds to the post of the Secretary to the Government in terms of the recruitment rules.

The Secretariat: In pursuance of Section 63 of the Constitution of Jammu and Kashmir, the Secretariat of the Jammu and Kashmir Legislative Assembly came into existence in July 1957. The work of the Secretariat is divided under the following heads:

Legislation Branch: It takes care of all Legislative matters.

Committee Branch: It looks after the working of various Committees of the Legislature. It is also responsible to the parliamentary delegations and committee visiting India from abroad.

Translation Branch: It translates Questions, Resolutions, Bills and the proceedings of the House from English to Urdu and vice-versa.

Reporting Branch: It records proceedings of the House and various Committees.

Question Branch: It edits and compiles the question during the session and forwards the question to the concerned Secretariat for reply.

Printing and Publication Branch: It takes care of all the printing work of the Secretariat.

KARNATAKA

ORIGIN AND GROWTH

Mysore State (Old Mysore) which is a part of the present Karnataka can claim to be the first State in India to have started the formation of democratic institution with a view to associating representatives of the people in the administration of the State. After the British Rulers installed Maharaja Sri Chamarajendra Wodeyar as the ruler of Mysore on 25 March 1881, Dewan Sri C. Rangacharlu summoned a meeting of the principal ryots and merchants from all parts of the State on 29 March 1881 to discuss and exchange views on public matters. It was at this gathering that a decision to bring into existence the Representative Assembly was taken. On 25 August 1881 an order was issued setting up the Representative Assembly and defining its constitution and functions.

The first meeting of the Assembly was held on 7 October 1881. It was attended by 144 members. The function of the Assembly were to hear from the Dewan the report of the past year's administration and the broad outlines of what was intended to be carried out in the coming year; to make observations and suggestions; to voice grievances and bring to the notice of the Government the needs of the people and to watch and criticise the working of the Government.

The Assembly which was brought into existence with so much foresight, soon justified the hopes entertained in regard to it. In the very first session of the Assembly, the representatives aquainted themselves with the enactments pertaining to Revenue, Forest and other Departments and made representations in regard to their grievances. Kumarapuram Seshadri Iyer, who succeeded Sri C. Rangacharlu as Dewan in 1883, took several steps to introduce the elective element in its constitution and gradually widened its electoral base.

– State Legislature Building, Karnataka.

In 1887, steps were taken to introduce changes in the constitution of the Assembly. Rules were promulgated which provided for each of the 66 Taluks in the State to send five of the largest landholders as members of the Assembly. For the first time, property qualifications were introduced and the agricultural classes "which constitute the most numerous and the most important section of the people" were to be represented by persons possessing property qualifications.

There were occasions when the representatives themselves brought up subjects which required legislation and the Dewan responded to their request. Infant marriage was one such subject which came up for discussion in the Assembly in 1891.

The Representative Assembly in the first two decades after its establishment developed from a nominated body into an elected body. Lord Lansdowne, the Viceroy, who had visited Mysore in 1892, expressed gratification at the way in which the Assembly was functioning and said "it reflects the greatest credit upon the statesman-like instincts of His Highness and I feel sure that the fact of its constitution being to some extent based upon the principle of representation will greatly add to the deliberations and to the respect with which its suggestion will be received."

In the year 1916, His Highness, the Maharaja sanctioned the holding of a second session of the Assembly every year and the second session began to be held from 1917. Thus, the Assembly developed gradually and was placed on a statutory basis with enlarged powers and functions under Act XVIII of 1923. The normal strength of the Assembly was fixed at 250 but Government had powers to increase it up to a maximum of 275 with a view to removing inequalities if any. The members were elected directly from rural and urban areas to represent special interests like education, planting, mining, trade and commerce and minorities like Mohamedans, Indian-Christians and Depressed Classes. Provision had been made to return not less than 150 representatives from rural areas, not less than 30 and not more than 55 representatives from urban areas, and not less than 15 representatives of minorities.

The Dewan was the *ex-officio* President of the Assembly and the members of the Council (Cabinet) were *ex-officio* Vice- Presidents. The

life of the Assembly was 3 years but Government had the power to extend the term for a period not exceeding one year. The quorum for a meeting was 70 members including the President.

The question of associating a certain number of non-officials in the process of law-making in a regular legislative body, was urged by the members of the Representative Assembly in 1893, and again in 1906. With a view to respect the wishes of the Representatives of the people, His Highness the Maharaja, in the year 1907, established a Legislative Council by the promulgation of Regulation I of 1907, in order to associate non-official gentlemen qualified by practical experience and knowledge of local conditions and requirements in the "actual process of law-making". It consisted of the Dewan as President, two *ex-officio* members and such number of additional nominated members not less than 10 and not more than 15, as fixed by the Government, from time to time. The term of membership was 2 years.

All laws or regulations made by the Council would become valid after they received the assent of the Maharaja. By an amendment to the Act made in the year 1915, the Council was permitted to discuss the annual budget and put supplementary questions under certain conditions. In 1919 the strength of the Council was raised to 30, consisting of 12 Officials and 18 non-officials, 8 of whom were elected. By regulation XIX of 1923 promulgated by His Highness the Maharaja, the Legislative Council was invested with enlarged powers and functions. The main features of these regulations were that the total strength of the Council was raised to 50.

The Council was permitted to vote on grants and move cut motions. The duration of the Council was fixed at 3 years but Government had power to extend it for a period not exceeding one year. The quorum for a meeting of the Council was fixed at one-half of the total members.

The powers of the Representative Assembly were also enlarged. It was made obligatory on the part of Government to place the general principles of every legislative Bill before the Assembly in the form of a statement, except in cases of urgency, and to ascertain their opinion thereon, before introducing the Bill in the Legislative Council.

In 1926, the franchise was extended to title-holders, and in response to a resolution passed by the Legislative Council in February 1929, the

disqualification of candidates on the ground of sex was removed, enabling women to stand for election to the Representative Assembly and the Legislative Council. The functions of the two bodies were such that they were not designed to form part of a composite bicameral legislature, but were more or less independent bodies with defined functions of their own. To get over these, a Committee appointed in 1935, made some recommendations to the Government. These were accepted and suitable amendments made to the Acts.

The strength of the Assembly was raised from 275 to 310 with a view to provide better representation for minority communities and other special interests. Similarly, the strength of the Legislative Council was raised from 50 to 68, 44 places being filled by non-official members and was given the power to have a non-official as its President in place of the Dewan, and a non- official Deputy President in place of members of the Executive Council.

An Act known as the Government of Mysore Act (1940), marked the turning point in the constitutional reforms of the State. Inaugurating the reformed Constitution of 1940, at a joint session of the two Houses on 9 June 1941. His Highness, the Maharaja said: "Those who have watched the origin and growth of the political institutions have noted that Mysore has always been in the vanguard of progress. Our Representative Assembly was started 60 years ago when the principle of representative institutions was little known and practised in the continent, at any rate in India."

As this form of Government and Legislature was being tried, a continuous agitation for the setting up of responsible Government under the aegis of the Maharaja was being carried on. Taking note of the wishes of the people, His Highness, the Maharaja, by a proclamation issued on 29 October 1947, announced further reforms by expanding the Ministry and making it responsible to the Legislature, and setting up a Constituent Assembly composed of elected representatives for the purpose of passing a constitution Bill for the State of Mysore, providing for responsible Government.

The Constituent Assembly of Mysore was constituted in 1947, and a Constitution was initiated for Mysore when political changes of a far-reaching character were taking place in the rest of India. As a

result of those developments, a Constituent Assembly to frame the Constitution for India was established at the Centre, and as that body was framing a Constitution for the whole of India, it was thought that there was no need to proceed with the work of the Constituent Assembly of Mysore.

Accordingly, the Maharaja, by a proclamation issued on 25 November, 1949, ordered that the Constitution adopted by the Constituent Assembly of India shall be the Constitution for the State of Mysore, and dissolved the two Houses of Legislature, namely, the Representative Assembly and the Legislative Council on 15 December 1949 and further ordered that until such as the House or Houses of Legislature of Mysore has or has been duly constituted and summoned to meet for the first session under the provisions of the Constitution of India, there shall be only one House of the Legislature to be known as the Legislative Assembly of Mysore, and that the Constituent Assembly of Mysore be converted as the said Legislative Assembly from 16 December 1949. Consequently, necessary amendments were made to the Government of Mysore Act, 1940, and the members of the Constituent Assembly of Mysore became the members of the Legislative Assembly till 1952, when General Elections were held in Mysore along with the rest of India and the two Houses of Legislature, namely, the Legislative Assembly and Legislative Council were constituted. The Members of the Assembly are directly elected by the people on the basis of adult franchise. With the reorganisation of States in 1956, Kannada-speaking areas of Bombay, Hyderabad and Madras were integrated with Mysore, and this composite Kannada-speaking State was renamed as Karnataka in 1973.

STRUCTURE OF LEGISLATURE

The Karnataka State Legislature is bicameral. The Upper House known as the Legislative Council, is a permanent body with a strength of 75 members. One-third of members of the Council retire every two years. Among the members of the Council, 21 are elected by the local authorities of various districts, 21 are elected by the members of the Legislative Assembly, 6 are elected from the Graduate constituency,

6 from Teachers Constituency and 9 nominated by the Governor.

The Lower House, known as the Legislative Assembly, has a strength of 224 elected members and one nominated member. The life of the Legislative Assembly is five years from the date appointed for its first meeting unless sooner dissolved. Details of the tenure of the Karnataka Legislative Assembly from the first to the eighth Assembly are given in Table 1.

Table 1

S.No.	Legislative Assembly	Tenure From	To
1.	First	18.6.1952	31.3.1957
2.	Second	10.6.1957	1.3.1962
3.	Third	15.3.1962	28.2.1967
4.	Fourth	15.3.1967	14.4.1971
5.	Fifth	24.3.1972	31.12.1978
6.	Sixth	17.3.1978	8.1.1983
7.	Seventh	24.1.1983d	2.1.1985
8.	Eighth	18.3.1985	21.4.1989

Assembly was dissolved and President's Rule imposed.

ELECTIONS, PARTIES AND MEMBERS

Parties in Legislative Assembly: Recognition of a political party by the Speaker carries with it certain facilities that the Speaker may grant to that party. A political party has to fulfil the following conditions to secure recognition in the House.

(a) it should have announced at the time of the General Election, a distance ideology and programme for parliamentary work on which the members have been returned to the House;
(b) it should have an organisation both inside and outside the House; and

(c) it should have at least a strength equal to the quorum fixed to constitute a sitting of the House, that is, one-tenth of the total number of members of the House.

The following are the parties in the Legislative Assembly:

(i) Janata Dal (Formerly Janata Party)
(ii) Congress (I)
(iii) B.J.P.
(iv) C.P.I.
(v) C.P.I. (M)
(vii) Independents

The Party position in the Legislative Assembly and Legislative Council as on 1 June 1987 is given in Table 2.

Table 2

Name of the Party	Legislative Assembly	Legislative Council
Janata	139	19
Congress (I)	66	12
B.J.P.	2	6
C.P.I.	4	—
C.P.I. (M)	2	—
M.E.S.	3	—
Independents	8	5
Speaker	1	—
Chairman	—	—
Vacancies	—	21
	225	63

Party Whips: The Party Whips play an important role in managing the proper functioning of the parties inside the Houses. They serve as a liaison between the Government and the members. The whips are the usual channels to communicate arrangement of business and

convenience of the members as a whole. They assist their leaders in selection of members to Committees of the Houses. The Whips of the Ruling Party known as the Government Chief Whips, are given the status of a Minister of State. They draw a salary of Rs. 2,500/- per month and a sumptuary allowance of Rs. 4,000/- per annum. They are provided with furnished residence in the city of Bangalore throughout the term of office and for a period of 60 days immediately thereafter. A suitable motor car as well as a conveyance allowance at the rate of Rs. 950/- per month is also provided.

Leader of the Opposition: The Leaders of Opposition in the Legislative Assembly and Legislative Council, are given the status of a Cabinet Minister. They are paid a salary of Rs. 2,500/- per month and a sumptuary allowances of Rs. 5,000/- per annum and are provided with the furnished residences in the City of Bangalore throughout the term of office and for a period of 60 days immediately thereafter, besides, a suitable motor car and a conveyance allowance at the rate of Rs. 950/- per mensum.

Qualifications of Membership: A person to be eligible as a candidate for election to the Legislative Assembly, has to satisfy the qualifications prescribed under Article 173 of the Constitution read with Section 79 of the Representation of the People Act, 1951. As regards incurring disqualifications, the same are provided under Article 191 of the Constitution of India. There are no other special qualifications or disqualifications provided under any State Act.

Oath/affirmation: Under Article 188 of the Constitution, every member before taking his/her seat in the House, has to make and subscribe before the Governor or some person appointed in that behalf by him an oath or affirmation in the form set out in the Third Schedule of the Constitution. In the case of first meeting of the Assembly before the election of the Speaker, a member of the Assembly is appointed by the Governor as the person before whom the members should take the prescribed oath. In the case of Legislative Council, if the Offices of the Chairman and the Deputy Chairman are vacant, the Governor appoints a member of the Council before whom member should take the prescribed oath.

Salary and Other Facilities: The members are paid a salary of Rs.

1,000/- and allowance of Rs. 2,000/- per month. They are also paid a daily allowance of Rs. 51/- per day for attending sessions and the meetings of the Committee. The members are entitled to travelling allowance at the rate of 2 times the single 1st class fare each way if they travel by rail, or a mileage @ Rs. 2.50 per K.M. if they travel by road to attend the session of the Legislature or the meetings of the Committees. Besides, a member is also entitled to the following facilities:

(a) *Housing*: During sessions and Committee meetings, members are provided with fully furnished accommodation and are exempted from paying lodging charges. Members are entitled to free travel in the buses of the Karnataka State Road Transport Corporation within the State along with a companion on production of identity card issued by the Legislature Secretariat. Members are also provided with Railway coupons worth Rs. 2,000/- to travel with a companion in any class during a period of 12 calendar months.

(b) *Medical Assistance*: Members are entitled to accommodation at Government Hospital, free of charge and to medical attendance and treatment. The expenditure incurred in respect of medical attendance and treatment to members is re- imbursed to them. Permanent arrangements have been made with a full time dispensary at the Legislators' home to render free medical aid to members.

(c) *Telephone*: Members are also provided with one telephone installed at the place of their choice at Government cost. Afterwards only rental charges of the said phone are paid by the Government.

(d) *Stenographic and Typing Services*: During session time stenographers and typists are appointed to render to a certain extent stenographic and typing assistance both in English and Kannada to members in respect of urgent business of the House, such as urgent notices and short communications to the Speaker/Chairman or to the Secretary as the case may be.

(e) *Research, Reference and Library Services*: The Reference and Research Section provides useful material to the members to enable them to participate in the debates. There is a fullfledged Library from where members can borrow books of their choice.

Resignation: A member who desires to resign his seat in the Assembly/Council may do so by intimating in writing under his hand addressed to the Speaker/Chairman, expressing his desire to resign from the membership of the House with effect from a particular date.

Absence from House: Under Article 190(4) of the Constitution, if for a period of 60 days, a member of the Legislative Assembly/Legislative Council remains absent from its meetings of the House without the permission of the House, the House can declare his seat vacant. Rule 202 and Rule 180 of the Rules of Procedure and Conduct of Business in the Legislative Assembly and in the Legislative Council, respectively, provide that a member of Legislature seeking permission to remain absent from sittings of the House can make an application in writing to the Speaker/Chairman specifying the period for which he may be permitted to be absent indicating the reasons thereof.

Expulsion: When a member of the Legislature disregards the authority of the Speaker/Chairman or abuses the rules persistently and wilfully obstructs the business of the House, the Speaker/Chairman makes a mention for the suspension of that member for a specific period. The Speaker/Chairman puts a question and on such question being carried, the member has to withdraw from the precincts of the House.

SESSIONS AND SITTINGS

Issue of Summons: The Governor of the State summons the Legislative Assembly and Legislative Council fixing the date and time for their meeting. A notification summoning the House is issued by the Secretary to Government, Department of Law and Parliamentary Affairs. After the issues of the Notification, the Secretary of the Legislature sends an intimation to members.

Prorogation of Legislative Assembly Council: After the adjournment of the Legislative Assembly Council, the Governor prorogues the House. A notification to this effect is issued by the Secretary to Government, Department of Law and Parliamentary Affairs. After the issue of the notification, the Secretary, Legislature issues a Bulletin informing the members of the prorogation of the Legislative Assembly/Council.

Dissolution of the Legislative Assembly: The power to dissolve the Legislative Assembly is vested in the President of India. He exercises this power on the recommendation of the Governor. For the first time, the Assembly was suspended for a short duration from 27 March 1971 and it was subsequently dissolved from 15 April 1971.

Emergent Sessions: When a session is convened at short notice or emergently, the usual procedure of sending notice to members is not followed. The dates of sessions are published in the Gazette and leading newspapers and communicated through the radio, television and telegram to members.

BUSINESS OF THE HOUSE

Order of Business: Normally, the daily business is arranged on the direction of the Speaker/Chairman by the Secretary in the following order:

(i) Oath or Affirmation.
(ii) Election of the Speaker (when the Assembly meets for the first time after the General Election).
(iii) Obituary Reference.
(iv) Questions.
(v) Calling Attention Notices.
(vi) Papers laid on the Table.
(vii) Presentation of Petition.
(viii) Presentation of Reports of the Legislature Committees.
(ix) Bills for Introduction.
(x) Other Business, like Legislation, Resolution, Financial Business, etc.

Business Advisory Committee: The Speaker/Chairman is the Chairman of the Business Advisory Committee and 10 other members are nominated by the Speaker/Chairman. Usually leaders of parties in the House and some important senior members are nominated. The Whips to the Government and Opposition parties are invited to the meeting. The functions of the Committee are to recommend the time that should be allotted for discussion of Government Bills and other Business as the Speaker in consultation with the Leader of the House, may direct for being referred to the Committee.

List of Business: A List of Business for each day is prepared by the Secretary and a copy of the same is made available to the members the previous day. The order of business set down in the List is not varied unless the Speaker/Chairman is satisfied that there is sufficient ground for such variation. The business of the Legislature is usually classified into two categories, namely: Official and Non-official. Official Business is initiated on behalf of the Government. The business which is initiated by Members other than a Minister, is Non-official Business. The last two-and-half hours of the sitting on every Friday are reserved for Non-official Business in the Assembly/Council.

Private Members' Business: The allotment of time for Non- official Business is done by the Committee on Private Members' Bills and Resolutions. It consists of the Deputy Speaker/Deputy Chairman as the Chairman of the Committee and 10 other members in the Legislative Assembly, and 4 members in the Legislative Council elected by the House. The functions of the Committee are to recommend the time that should be allotted for the discussion of the stage or stages of each Private Members' Bill and to recommend time-limit for the discussion of Private Members' Resolution and other ancillary matters and to perform such other functions in respect of Private Members' Bills and Resolutions as may be asked or assigned to it by the Speaker/Chairman from time to time.

Rules of Debate: A member who desires to take part in a debate or discussion in the House has to rise in his seat and he can speak only on being called by the Speaker/Chairman. When two or more members rise in their seats, the member who is called by the Speaker/Chairman

speaks. Every member has, therefore, to catch the Speaker/Chairman's eye before he could address his remarks. The Whips of various parties or groups send to the Speaker/Chairman names of members who may be called to speak. The Speaker/Chairman has the right to decide the order in which members would speak. A member who has to make his first speech (maiden speech) is given preference over those who have already spoken in the House. A member with special knowledge of the subject under discussion is preferred over others. Though no precedence of members who want to speak is laid down in any rule, there are certain practices according to which members are called in a certain order. The mover of a motion is called to speak first. In important debates like discussion on the Budget, the Leader of the Opposition is called first to initiate the discussion.

Voting Procedure: When the debate on a motion concludes, the Speaker/Chairman puts the question and invites those who are in favour of the motion to say "Aye" and those against the motion to say "No". The Speaker/Chairman then says: "I think the Ayes (or the Noes, as the case may be) have it." If the opinion of the Speaker/Chairman as to the decision of a question is not challenged, he says twice: "The Ayes (or the Noes, as the case may be) have it" and the question before the Assembly Council is determined accordingly. But if the opinion of the Speaker/Chairman as to the decision on a question is challenged, then the Speaker/Chairman resorts to one of the forms in which the decision of the House is ascertained of which Division is one. A 'Division' means the separation of members into two lobbies who wish to vote for and against a question pending before the House. In other words it is the process adopted by the House to decide a question.

Proceedings: The Rules of Procedure provide that the Secretary has to prepare a full report of the proceedings of the Assembly/Council at each of its sittings and as soon as practicable, publish it in such form and manner as the Speaker may, from time to time, direct. A team of Kannada and English language Reporters of the Legislature Secretariat record in shorthand the proceedings of the House verbatim. This is the official report of the proceedings. While delivering speeches the members who closely follow a written note or who include in their speeches quotations, figures or other matter which have to

appear in the report, may pass on such matter to the Office Room after the conclusion of their speeches. The transcript of speeches are sent to the concerned member for correction of errors and inaccuracies that may have crept in while reporting. The Official Report is intended to be a reproduction of the speeches actually delivered by the members on the floor of the House. Hence, members need not correct their speeches for improving the literacy form or alter or add to the substance in the reported speech. If the approved copies of speeches are not received back from members within the stipulated time of 24 hours, the proceedings are edited and published. Generally, editing is done bearing in mind grammatical mistakes, spellings, factual accuracy, clarity of ideas and expressions, punctuations, etc. As the Debate is the factual reproduction of what transpired in the House, the changes of occupants in the Chair, interruptions, half-an-hour timings, quotations, suitable headings, astrisks to show non-receipt of approved copies, etc., are indicated. Printed proceedings are then sent to members and other bodies and Legislatures which are on the mailing list of the Secretariat. Speeches other than in Kannada or English languages are not reported and published.

PRESIDING OFFICERS

When the offices of both the Speaker and Deputy Speaker fall vacant and immediately before the first sitting of the Assembly after General Election, the Governor appoints a member of the Assembly to perform the duties of the Speaker. The person so appointed is known as the Speaker-*pro tem*. The name of a member to be appointed as the Speaker-*pro tem* is suggested by the Chief Minister, who at his discretion may place the matter before the Cabinet. Normally, the senior-most member of the Assembly is chosen for appointment as the Speaker-*pro tem*. The main function of the Speaker-*pro tem* is to administer oath or affirmation to the newly elected members of the Assembly and to conduct the election of the Speaker. He draws salary and allowances as admissible to a Speaker.

So far as Legislative Council is concerned, the question of dissolution of the House does not arise as the House is a permanent body

However, when the offices of Chairman and the Deputy Chairman become vacant due to the expiry of the membership period or resignation, etc., the Governor appoints normally the senior-most member of the Legislative Council as the Chairman- *pro tem*. The procedure followed in case of appointment of the Speaker-*Pro tem* is followed in this case also. The *pro tem* Chairman's main function is to conduct the election of the Chairman and to administer oath or affirmation to the newly elected members of the Council. He draws salary and allowances as admissible to a Chairman.

The election of the Speaker/Chairman is held on a date fixed by the Governor. Notice of the date so fixed is sent by the Secretary to every member. Any member may give notice in writing of a motion that another member be chosen as the Speaker/Chairman. The notice has to be seconded by another member. It should be accompanied by a statement by a candidate that he is willing to serve as Speaker/Chairman, if elected. The notice of motion must be delivered to the Secretary at any time before noon on the date preceding the date of election by the candidate, proposer or seconder. Motions which have been moved and duly seconded are to be put to vote one by one in the order in which they have been moved and decided. If any motion is carried, the person presiding does not put the remaining motions but declare that the member proposed in the motion which has been carried has been chosen as Speaker/Chairman.

The election of Deputy Speaker/Deputy Chairman is held on a date fixed by the Speaker/Chairman. The same procedure is applied to the election of the Deputy Speaker/Deputy Chairman as in the case of the election of the Speaker/Chairman. The term of office of the Speaker is from the date of election till immediately before the first meeting of the new Legislative Assembly after the dissolution of the one to which he was elected and continues to draw salary and allowances until the date of vacation of his office. The term of Deputy Speaker is from the date of election till the dissolution of the House. The term of Chairman and Deputy Chairman of the Legislative Council is from the date of election till the expiry of membership of the Council. The Speaker/Chairman is assigned the status of a Cabinet Minister. Under the warrant of precedence, the Chairman/Speaker comes next to the Governor.

The powers and functions of the Speaker/Chairman are to preside over the House. They are empowered to adjourn the House, or to suspend its sittings in the event of the absence of a quorum, and to permit any member who is unable to express himself in Kannada or in English to address the House in his mother tongue.

The Speaker/Chairman determines whether there is a *prima facie* case for a matter relating to a breach of privilege or contempt of the House.

The Speaker/Chairman can check irrelevant things or repetition in the speech of a member. The Speaker/Chairman, in his discretion, can order the expunction of any defamatory remarks or of anything said by a member who has not been called upon to speak. The Speaker/Chairman can direct any member guilty of disorderly conduct to withdraw from the House and name a member for suspension if the member disregards the authority of the Chair and persists in obstructing the proceedings of the House, and can also adjourn or suspend the business of the House in case of grave disorder.

The Deputy Speaker/Deputy Chairman has the same powers as the Speaker/Chairman when presiding over the sitting of the House and all references to the Speaker/Chairman in the Rules are deemed to be reference to the Deputy Speaker/Deputy Chairman when he so presides. If Deputy Speaker/Deputy Chairman is a member of any of the Committee Legislature, he is appointed as the Chairman of that Committee. Unlike the Speaker/Chairman, the Deputy Speaker/Deputy Chairman can speak in the House, take part in its deliberations and vote as a member on any question before the House. They can do so only when the Speaker is presiding and not when they themselves are in the Chair in the respective Houses. By convention, the Deputy Speaker/Deputy Chairman does not sponsor Bills, Resoltutions, etc., or tables questions.

The Speaker/Chairman may resign from the office of Speaker/Chairman by writing under his hand a letter of resignation addressed to the Deputy Speaker/Deputy Chairman. The Deputy Speaker/Deputy Chairman may resign from the office by giving in writing a letter of resignation to the Speaker/Chairman as the case may be.

The Speaker/Chairman, Deputy Speaker/Deputy Chairman may be removed from Office on a resolution passed by a majority of the members of the Legislative Assembly and the Legislative Council. On the appointed day when the resolution is taken up for consideration, the Speaker/Chairman, Deputy Speaker/Deputy Chairman, against whom the resolution is given, cannot preside over the House even though he can be present in the House. He has the right to speak and otherwise take part in the Debate as also the right to vote.

The Speaker and Chairman are paid a salary of Rs. 2,500/- per month and sumptuary allowances of Rs. 10,000/- for Chairman and Rs. 15,000/- for Speaker respectively. The Deputy Speaker/Deputy Chairman is paid a salary of Rs. 2,500/- per month and a sumptuary allowance of Rs. 1,800/- per annum. They are all entitled to free furnished residence in the city of Bangalore throughout the term of office and for a period of 60 days immediately thereafter. They are provided with a suitable motor car. They are also paid a conveyance allowance of Rs. 2000/- per month.

The names of the successive Speakers/Chairmen, Deputy Speakers/Deputy Chairmen with their tenure since 1952 are given in Tables 3, 4, 5 and 6 respectively:

Table 3: Statement showing the names and tenure of Speakers of Karnataka Legislative Assembly

Name	Term of Office
Shri V.Venkatappa	1949-1952
Shri H. Siddaiah	1952-1954
Shri H.S. Rudrappa	1954-1956
Shri S.R. Kanthi	1956-1962
Shri B. Vaikunta Baliga	1962-1968
Shri S.D. Kothvale	1968-1972
Shrimathi K.S. Nagarathanamma	1972-1978
Shri P. Venkataramana	1978-1980
Shri K.H. Ranganath	1981-1983
Shri D.B. Chandre Gowda	1983-1985
Shri B.G. Banakar	1985-1989
Shri S.M. Krishna	1989 till date

Table 4: Statement showing the names and tenure of Chairman of the Karnataka Legislative Council

Name	Term of Office
Shri K.T. Bhashyam	1950-1956
Shri T. Subramanya	1956-1957
Shri P. Seetharamaiah	1957-1958
Shri V. Venkatappa	1958-1960
Shri G.V. Narasappa	1960-1962
Shri G.V. Hallikeri	1962-1966
Shri S.C. Edke	1966-1968
Shri K.K. Shetty	1968-1970
Shri R.B. Naik	1970-Nov.
Shri G.V. Hallikeri	1970-1971
Shri S.D. Gaenker	1972-1974
Shri M.V. Venkatappa	1974-1978
Shri S. Shivappa	1978-1980
Smt. Basavarajeshwari	1980-1982
Shri K. Rehman Khan	1982-1984
Shri R.B. Potdar	1985-1987
Shri D. Manjunath	1987-1992

Table 5: Statement showing the names tenure of Deputy Speakers of the Karnataka Legislative Assembly

Name	Term of Office
Shri R. Chennigaramaiah	1952-1956
Shri M. Madaiah	1956-1957
Shri L.H. Thimma Bhovi	1957-1962
Shri A.R. Panchagavi	1962-1966
Shri U. Manjunath	1967-1971
Shri B.P. Kadam	1972-1977 (23/3)
Shri G. Puttaswamy	1977-1978 (30/12)
Smt. Sumathi Madiman	1978-1980
Shri Bapu Rao Ananda Rao Hulsurkar	1981-1983
Shri Veeranna K.	1983-1985
Shri Lakshminarasimhaiah	1985-1987
Smt. Nagamma Keshvamurthy	1990-1992

Table 6: Statement showing the names and tenure of Deputy Chairman of the Karnataka Legislative Council

Name	Term of Office
Shri P.G.O. Balakrishna Shetty	1950-1956
Shri L.H. Thimma Bhovi	1956 (Dec.)
Shri Mahadevappa Y. Rampure	1956-1957
Shri K. Kanthappa Shetty	1957-1958
Shri Keshav Rao Nittaurakar	1958-1960
Shri B.G. Deshpande	1960-1962
Smt. M.R. Lakshamma	1962-1964
Shri H.F. Kattimani	1964-1966
Shri S.D. Gaonkar	1966-1968
Shri M. Madaiah	1968-1970
Shri S.P. Rajanna	1970-1972
Shri T.N. Narasimha Murthy	1972-1976
Shri R.G. Jagirdar	1976-1980
Shri V.S. Krishna Iyer	1980-1982
Dr. A.B. Malaka Reddy	1982-1984
Shri S. Mallikarjunaiah	1985-1991
Shri B.R. Patil	1991 to date.

PROCESS OF LEGISLATION

One of the important functions of the Legislature is legislation or law making. The proposed legislation is brought before the House in the form of a Bill. A Bill is the draft of an Act. The Constitution of India and the Rules of Procedure have prescribed the procedure to be followed for the introduction, consideration and passing of Bills. A Bill can be introduced either by a Minister of a Private Member. In the case of former, it is called a 'Government Bill' and in the case of the latter it is called a 'Private Members' Bill'.

Money Bills can be introduced only in the Legislative Assembly and not in the Legislative Council. Other Bills can be introduced either in the Legislative Assembly or the Legislative Council.

After a Bill has been introduced and copies of the Bill have been made available to members, unless the Speaker otherwise directs, the member incharge of the Bill may move a motion that the bill be taken into consideration at once or on some future specified date or that the

Bill be circulated for eliciting opinion. If the motion is for consideration, then an amendment that the Bill be circulated for eliciting opinion therein may be moved. At this stage the principles of the Bill and its general provisions may be discussed, but the details of the Bill are not to be discussed.

If a Bill involves expenditure from the Consolidated Fund, then the recommendation of the Governor is necessary for the consideration of the Bill.

If the motion for consideration is passed, then the member incharge or any other member may move that the Bill be referred to a Select or Joint Select Committee. A Money Bill cannot be referred to a Joint Select Committee.

Bill in the Other House: After a Bill is passed, it is transmitted to the Legislative Council for concurrence with a message to that effect.

The Secretary certifies that the Bill has been passed by the Legislative Assembly. If it is a Money Bill, the Speaker certifies the Bill as such.

If a Bill passed by both Houses is returned by the Governor or President for re-consideration, then the point referred for consideration are put before the Assembly by the Speaker and are discussed and voted like amendments.

In the case of a Bill passed by the Assembly, but not passed by the Council and returned within three months, the Assembly may pass the Bill for the second time and transmit it again to the Council. If the Council does not pass the Bill and returns the Bill within a period of one month, then the Bill is deemed to have been passed by both Houses. If a Bill transmitted by the Assembly to the Council is rejected by the Council, then the Assembly may pass the Bill again and transmit it to the Council. If the Council again rejects it then the Bill is deemed to have been passed by both the Houses.

When a Bill passed by the Assembly is returned by the Council with amendment, the Assembly may agree to the amendment or disagree or agree with further amendment. If the Assembly agrees with the amendment, the Bill is sent to the Governor. If the Assembly does not agree with the amendment, then a message is sent to the Council that the amendment is not agreed to. The Council may drop the amend-

ment or insist on the amendment being made. If the Council does not inssit on its amendment, the Bill is sent to the Governor. If the Council insist on its amendment, then the Assembly may pass the Bill again with or without the amendment and transmit the same to the Council. If the Council agrees with the Bill, the same is sent to the Governor. If the Council does not agree, then the Bill as passed by the Assembly is deemed to have been passed by both the Houses.

If the Council does not agree with further amendments of the Assembly, the Bill as passed by the Assembly, is deemed to have been passed by both the Houses.

A Bill which has originated in the Council and has been passed by it, is received in the Assembly for its concurrence. There is no introduction of such Bill. But copies of Bills as passed are laid on the Table. The motion for consideration is moved and adopted and the clauses are considered and passed, and then the Bill is passed. If the Assembly rejects such a Bill, then a message to that effect is sent to the Council. If the Assembly adopts any amendment, a message to that effect is sent to the Council.

In the case of a Money Bill, certain formalities have to be observed. A Money Bill has been defined in the Article 199 of the Constitution. A Money Bill cannot be introduced without the recommendation of the Governor. If the Bill involves expenditure from the Consolidated Fund, then the recommendation of the Governor for consideration is necessary. Even for moving an amendment which has the effect of increasing the rate of tax, etc., the recommendation of the Governor is necessary.

A Money Bill, after it has been passed by the Assembly is transmitted to the Council for its recommendations. The Council has to return the Bill within 14 days with its recommendations. If the Council does not return the Bill within 14 days with its recommendations, the Bill is deemed to have been passed by both the Houses.

When a Bill has been passed by both the Houses, it is presented to the Governor who gives his assent or withholds assent or reserves it for the consideration of the President or returns it (non-Money Bills) for re-consideration.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

The Question Hour: Rules of Procedure of both the Legislative Assembly and the Legislative Council provide for the first hour of each sitting being devoted to asking and answering of questions. It has a special significance in the proceedings of the Legislature. It is during question hour that members ask questions on every aspect of administration and Governmental activity. The Government is, as it were, put on its trial during the Question Hour and every Minister whose turn is to answer the question has to stand up and explain the omissions and commissions of his Department.

In the Legislative Council, the procedure is more or less the same as in the Legislative Assembly. As and when orders are passed admitting questions, advance copies of admitted questions are sent to Government on the same day, as provisionally admitted starred or unstarred questions. After the last date of receipt of questions is over, the admitted questions are arranged in order of priority obtained by the members in ballot and the order of preference indicated on the notice. As per the existing rules, answers to questions are printed. The answers are read by the Minister when the question is put on the floor of the House. However, answers to starred and short notice questions included in a day's list are placed in the Notice Office half-an-hour before the commencement of the Question Hour for reference of the members, in order to enable them to frame supplementaries on the basis of the answers given to these questions.

Half-an-Hour Discussion: Rules provide for half-an-hour discussion on any matter of public importance, arising out of answer to a question irrespective of whether it is answered on the floor of the House or the answer has been laid on the Table of the House. Such disucssion is allowed on two days in a week, *viz.*, Tuesdays and Thursdays, at the conclusion of the business of the day. A peculiar feature of this discussion is that there is no formal motion before the House for voting. It provides sufficient opportunity for members to get clarifications and for further elucidating any matter of fact.

Adjournment Motions: A motion for the adjournment of the House to discuss a definite matter of urgent public importance with the

consent of the Speaker is another instrument through which the House exercises its critical function. The rules relating to adjournment motions are very strict and the members who want to give notice of an adjournment motion have to cross many hurdles. The matter must be definite, of sufficient public importance, of recent occurrence and must attract the State Government's responsibility and involve failure of the Government. Notice of an adjournment motion has to be given one hour before the commencement of the sitting for the day. The discussion may be for not less than two hours and in any case it has to be concluded that very day.

Motion of No-Confidence: Notice of a motion of no- confidence against the Council of Ministers has to be given to the Secretary before the commencement of the sitting on which the member wishes to move the motion. The motion of no-confidence need not set out the grounds on which it is based. The Speaker allots a day or days or part of a day for the discussion of the motion. During the debate on the motion of no-confidence members are at liberty to call in question any policy or act of Government. They may list any or all the faults of Government. The debate takes place for a reasonable duration of time in order to enable all the opposition viewpoints to be stated and Government supporters have to defend the Government. The Chief Minister winds up the debate on behalf of the Government by replying to the charges made by the members. The mover of the motion has a right of reply. Thereafter, the Speaker puts the motion to the vote of the House.

Calling Attention Notice: The main feature of the calling attention notice is that it begins suddenly, lasts a short time and leaves in its trail consequences of varied character. The Speaker/Chairman admits or selects a notice purely on the importance and urgency of the matter raised. This provision is being availed of by members to a great extent and has become very popular with them. In recent years, it has received vitality and importance because it gives an opportunity to members to raise, at short notice, important matters of urgent public importance.

Short Duration Discussion: A member desirous of raising discussion on a matter of urgent public importance for short duration has to give notice in writing to the Secretary specifying clearly and precisely the

points on which he wishes the discussion to be raised. The notice is required to be accompanied by an explanatory note stating reasons for raising such discussion and has to be supported by the signature of at least two other members. If the Speaker is satisfied that the matter sought to be raised is of sufficient importance, he admits the notice. The Speaker may allot two days in a week to discuss such notices and allow such time for discussion not exceeding one hour or he may write such time for discussion before the end of the sitting as he may consider appropriate.

Private Members' Resolution: Under Rule 145 of the Legislative Assembly Rules and Rule 138 of the Legislative Council Rules any member, other than a Minister, may move a resolution relating to a matter of general public interest. A resolution requires 7 days' notice before the date of ballot and its admissibility is determined by the Speaker/Chairman. A resolution may be in the form of declaration of opinion or a recommendation or an approval or disapproval of an act or policy of Government or a request for action. After a resolution has been moved, any member may seek an amendment to the resolution. After discussion on the resolution and reply by the concerned Minister, it is open to the mover of the resolution either to withdraw the resolution or press for the vote of the House. If the resolution is adopted by the House, a copy of the same is sent to the concerned Minister for necessary action. Non-official resolutions are taken up on every Friday.

Governor's Address: The Governor has a right to address the Legislative Assembly or the Legislative Council or both Houses assembled together and may, for that purpose, require the attendance of members. But at the commencement of the first session after each General Election to the Legislative Assembly and at the commencement of the first session of each calendar year, the Governor must address both Houses and inform the Legislature of the cause of its summons.

The Speaker/Chairman, in consultation with the Leader of the House, allots time for discussion of the Address. The discussion takes place on a Motion of Thanks moved by a member and seconded by another member. Amendments are allowed to be moved to the Motion of Thanks. At the end of the discussion, the Chief Minister or any other

Minister explains on behalf of the Government the position of the Government in respect of several matters in the debate. After the Motion of Thanks is adopted by the Legislative Assembly/Legislative Council a copy of the motion is sent to the Governor. The Governor's reply to the same, when received, is communicated to the Legislative Assembly/Legislative Council by the Speaker/Chairman.

Petitions: Petitions may be presented to the Assembly/Council with the consent of the Speaker/Chairman and must relate to any matter which is within the competence of the Assembly/Council to consider. It would be dated and signed by the petitioner and should be couched in respectful and temperate language. It should be in English or in Kannada. If it is in any other Indian language, it should be accompanied by a Kannada or English translation. It should conclude with a prayer reciting the definite object of the petition in regard to the matter to which it relates. At the time of presenting of the petition, no debate is permitted. All petitions presented to the House, are considered by the Committee on Petitions.

BUDGET IN LEGISLATURE

The Budget: The Annual Financial Statement or Budget is presented to the Legislative Assembly by the Finance Minister on such date as the Governor may fix. The estimate of expenditure shows separately the expenditure charged on the Consolidated Fund and other expenditure. The Budget is dealt with by the Assembly in two stages, *viz.*, a general discussion and the voting of Demands for Grants. The Speaker allots time for the general discussion of the Budget. The discussion begins on a day subsequent to the day on which the Budget is presented. The discussion is on the Budget as a whole or on any question of principle involved therein. The Finance Minister replies to the debate. There is no motion and hence there is no voting by the Assembly. Estimates relating to charged expenditure are not put to vote but they can be discussed. The estimates of other expenditure are submitted in the form of Demands for Grants to the Legislative Assembly.

Demands for Grants: The Speaker, in consultation with the Leader

of the House, allots days, not being less than ten, for the discussion and voting of Demands for Grants. The Legislative Assembly has power to assent or refuse to assent to any demand or to assent to any demand subject to a reduction of the amount specified therein.

Cut Motion: Motions may be moved to reduce any Demand for Grant. Such motions are called 'Cut Motions!'. Cut Motions are of three kinds, viz., Disapproval of Policy Cut, Economy Cut and Token Cut. The practice has been that no cut motion is moved by any member though he can give notice of such motions. But the Minister while replying to the debate on Demands for Grants should deal with matters mentioned in the cut motions.

The Appropriation Bill: Demands for Grants are made by a Minister on the recommendation of the Governor. After the grants have been made by the Assembly, a Bill to provide for appropriation out of the Consolidated Fund of the State of all moneys required to meet the grants made by the Assembly and the expenditure charged on the Consolidated Fund is introduced. This Bill is called the Appropriation Bill. Any amendment to the Bill which will have the effect of varying the amount or altering destination of any grant or of varying the amount of any expenditure charged on the Consolidated Fund will not be allowed to be moved in the House.

Supplementary/Excess Grants: Sometines money will have been spent on any service during a financial year in excess of the amount granted for that service and for that year. In such a case, the Governor causes to be presented to the Legislative Assembly a demand for such excess. The demands for excess grants are presented only after the Public Accounts Committee has recommended the regularisation of the excess expenditure. The procedure followed in the case of Demands for Grants is followed in the case of excess grants also. Debate on excess grants is restricted to the particulars contained in the estimates on which those grants are sought. The debate cannot touch a policy. an Appropriation Bill is also passed.

LEGISLATURE COMMITTEES

Committees are an integral part of legislative bodies. They are used

to facilitate the performance of important business of a Legislature. The pressure on parliamentary time and the need for expertise and detailed study of subject have given rise to a number of Commitees in Parliament and Legislatures. The Committee system saves time of the House for discussion of important matters and prevents Legislature from getting lost in details. One more advantageous feature of the Committee system is that in a Committee, the atomsphere is not the same as in the House. While in the House, party feelings come to play, the atmosphere in a Committee is different. The Committees function in a non- party manner and in a congenial environment.

The Rules of Procedure and Conduct of Business in the Assembly provide for the constitution of the following Committees:

1. Business Advisory Committee
2. Committee on Estimates
3. Committee on Public Accounts
4. Committee on Public Undertakings
5. Committee on Petitions
6. Committee on Privileges
7. Committee on Assurances
8. Committee on Subordinate Legislation
9. Committee on Papers laid on the Table
10. Committee on the Welfare of Scheduled Castes and Scheduled Tribes.
11. Committee on the Welfare of Backward Classes
12. Committee on Private Members' Bills and Resolutions
13. House Committee
14. Library Committee

To have greater and effective control over the Departments of Government and the Public Undertakings, the Public Accounts Committee, Estimates Committee and Public Undertakings Committee of the Legislature perform this function.

Committee on Public Accounts: The Committee on Public Accounts is one of the three standing Financial Committees of the Legislature.

It is constituted by the Legislature every two years. The Committee consists of 12 members from the Legislative Assembly and 3 members from the Legislative Council elected by the members of their respective Houses according to the principle of proportional representation by means of the single transferable vote. The Chairman of the Committee is appointed by the Speaker from amongst its members.

Committee on Estimates: The Committee on Estimates is constituted by the Legislative Assembly every two years. The Committee consists of 15 members elected by the Legislative Assembly from amongst its members according to the principle of proportional representation by means of single transferable vote. The Chairman is appointed by the Speaker from amongst its members. The important function of the Committee is to examine such of the Estimates as it may deem fit or as are especially referred to it by the Assembly or the Speaker. The functions of the Committee are:

(a) to report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates, may be effected;
(b) to suggest alternative policies in order to bring about efficiency and economy in administration;
(c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
(d) to suggest the form in which the estimates shall be presented to the Legislature.

Committee on Public Undertakings: The Committee on Public Undertakings was constituted in November 1969. The Committee consists of 12 members (nine from the Legislative Assembly and three from the Legislative Council). The term of the Committee is one year or until the new Committee is formed. The functions of the Committee are:

(a) to examine the reports and accounts of the Public Undertakings;

(b) to examine the reports, if any, of the Comptroller and Auditor-General on the Public Undertakings;
(c) to examine, in the context of the autonomy and efficiency of the Public Undertakings, whether the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices; and
(d) to examine such other functions vested in the Committee on Public Accounts and the Committee on Estimates in relation to the Public Undertakings specified in the Third Schedule as are not covered by clauses (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time.

Provided that the Committee shall not examine and investigate any of the following namely:

i) matters of major Government policy as distinct from business or commercial functions of the Public Undertakings;
ii) matters of day-to-day administration;
iii) matters for the consideration of which machinery is established by any special statute under which a particular public undertaking is established.

Besides, there are *ad-hoc* Committees like Rules Committee and Select and Joint Select Committees appointed from time to time.

LEGISLATIVE PRIVILEGES

Clause (1) and (2) of Article 194 of the Constitution confer privileges in respect of two matters, *viz.*, freedom of speech in Legislature and immunity in respect of publication of proceedings, reports, paper, etc., of a House by or under the authority of that House. Clause (1) confers freedom of speech in Legislature and Clause (2) gives complete immunity to a member of Legislature from any action in any Court in respect of anything said or done in Legislature or in Committee thereof. Reading Clause (1) and (2) together, it is plain that freedom

of speech in Legislature is absolute and unfettered. This view has been upheld in a number of cases before the Supreme Court. Clause (3) of Article 105 provides that in other respects the powers, privilege and immunities of each House of Legislature and of the members thereof shall be such as may from time to time be defined by the Legislature by Law and until so defined shall be those of the British House of Commons and of its members at the commencement of the Constitution of India. The other privileges of the House of Commons may briefly be stated as freedom from arrest, molestation, right to exclusive cognizance of matters arising within the House, right to inflict punishment for breach of privilege and contempt, etc.

Committee of Privileges: The Committee of Privileges of the Assembly consists of nine members of whom seven are elected by the Assembly and two are nominated by the Speaker. The Committee of Privileges of the Council consists of seven members of whom five are elected by the Council and two are nominated by the Chairman. The Committees hold office for a period of one year. The quorum to constitute a sitting of the Committee is five. The Committee examines and reports on every question of privilege referred to it. After the report is presented, the Chairman or any member may move that the report be taken into consideration. After the above motion is carried a motion that the Assembly/Council agrees or disagrees, or agrees with amendments, with the recommendation contained in the report may be moved.

SERVICING OF LEGISLATURE

Article 187 of the Constitution of India provides for a separate Secretarial Staff for each House of the Legislature. It also provides for common posts for both the Houses. The Recruitment and Conditions of services of the Secretarial Staff are to be regulated by Law made by the State Legislature. In the absence of such law, they are to be regulated by rules made by the Governor in consultation with the Chairman, Legislative Council and the Speaker, Legislative Assembly. No law has been made so far in this behalf by the State Legislature in India. In Karnataka State, the Legislature is bicameral. The Secretariat staff is common for both the Council and the Assembly.

The recruitment and conditions of services is regulated by the Karnataka Legislature Secretariat (Recruitment and Conditions of Service) Rules, 1959. According to these Rules, the Legislature Secretariat staff consists of the Secretariat to the Legislature and a number of gazetted and non-gazetted officers. The Chairman, Legislative Council and the Speaker, Legislative Assembly constitute the Board to administer the Legislature Secretariat and control its staff according to the Rules.

Secretary: The appointment of the Secretary, Additional Secretary and Joint Secretary is made by the Special Board. The Secretary, Karnataka Legislature Secretariat has been assigned the powers, privileges and the status of a Secretary to the Government. The term of office of the Secretary, Legislature is from the date of appointment to the post till the incumbent attains the age of superannuation, i.e., 58 years. The successive Secretaries of the Karnataka Legislature since 1947 are:

1. Shri G.S. Venkataramana Iyer.
2. Shri Te. Hanumanthappa.
3. Shri T. Venkataswamy.
4. Shri M. Subba Rao.
5. Shri K.S. Singri Gowda.
6. Shri M. Innasappa

Library: The Legislature Secretariat has got a well- equipped Library to cater to the information needs of members. The Library has two wings, namely: Reports and Debates wing and Reading Room Wing, apart from the Main Library. The Library is primarily intended for the use of the Secretariat. The Library has a good collection of books and journals on subjects of varied interest. Proceedings of the House of Commons and House of Lords are also kept since 1919 and 1947, respectively. Books are classified according to Colon Classification and catalogues according to classified Catalogue Code Edition 5. Quarterly Accession List indicating the books and reports added to the Library is prepared and made available to the members. The Legislature Library subscribes to 18 dailies, 28 weeklies, 7 quarterlies, 32

monthlies, one bi-yearly and annual journals of newspaper. The Library does not have any photo-copying, microfilming or computerising facility.

Reference and Research Section: The Reference and Research Section is attached to the Library. The Research Section deals with the following items of work to assist the members of Legislature in the discharge of their Legislative functions.

(i) Press-clippings from newspapers on subjects of Parliamentary importance in particular and other important matters in general which are useful for the members of Legislature in discharging their functions as Legislators are arranged and preserved subject-wise.
(ii) Preparation of comparative data relating to Budget of State/Central/Other States;
(iii) Preparation of Bibligraphies on important Bills coming before the House of the Legislature; and Committees thereof;
(iv) Publication of "Lekhana Soochi", Quarterly Journal, reg: Index of Selected Articles on important subjects;
(v) Publication of "Documentation of Public Undertakings" a monthly Journal concerning the news and views on the subjects pertaining to Public Sector Undertakings;
(vi) Publication of "Informative Folders" on working of Legislature and Committees for the reference of the members of Legislature;
(vii) Maintenance of State/Central/Other States Acts up-to-date with amendments;
(viii) Maintenance of [illegible]f Important Events and Articles; Bills Register and other informative material for reference of the members of Legislature;
(ix) Maintenance of up-to-date State/Central/Other State Ministry, State MLA/MLC/MP List;
(x) Preservations of back volumes of Debates, Reports, Newspapers, Periodicals, Magazines, Journals etc.

KERALA

ORIGIN AND GROWTH

The Kerala Legislature has had three parallel courses of development in the three regions of Travancore, Cochin and Malabar until they were merged together on 1 November, 1956. In fact, the Kerala Legislative Assembly has a hoary past dating back to 1988. On 30 March, 1888 Sri Moolam Thirunal Rama Verma, the Maharaja of Travancore, by passing a Regulation, established a Council for the purpose of making laws and regulations. The Regulation of 1888 was modified ten years later by another Regulation passed on 21 March, 1898. The important modification related to the enlargement of the membership of the Legislative Council to 15. The new Regulation defined the Constitution and powers of the Council and also enabled the government to frame rules for the selection of non-official members.

In 1904, the Maharaja took another significant step to associate the people with the administration by creating the Sri Moolam Popular Assembly of Travancore in addition to the Legislative Council. The total membership of the Assembly was 100. It was not a lawmaking body and had no voice in the administration. In 1907, the Assembly was empowered to elect four members to the Legislative Council.

The Legislative Council was remodelled in 1919, raising its strength to a maximum of 25 from the existing 15. It, for the first time, introduced an element of election in the Council. The twin features of the reform were the right to discuss the Budget and the right to ask interpellations. Within two years, however, in October 1921, the composition and character of the Council underwent further change. The total membership of the Council was raised to

← State Legislature Building, Kerala.

50, of whom 28 were to be elected and 22 nominated; of the latter, 7 were to be non-officials. Members were given the right to vote on Budget demands subject to certain limitations, to move resolutions on matters of public interest, to ask supplementary questions and bring motions for adjournment.

On 12 January, 1930 by an amendment of the Regulation governing the Legislative Council, freedom of speech was guaranteed in the Council. The electorate was constituted on a broad franchise. All persons paying an annual land tax of not less than Rs. 5 or profession tax to a Municipality, and all graduates of a University were entitled to vote.

In 1932, the Maharaja introduced a major reform through the promulgation of the Travancore Legislative Reforms Regulation II of 1108 M.E. (1932). The Regulation sought to place the Sri Moolam Popular Assembly on a statutory basis with enlarged functions and powers and to amend the law relating to the Legislative Council in such manner that the Assembly and the Council should function as two Chambers of a Legislature. The new bicameral legislature under this scheme was created on 1 January, 1933, with two Houses known respectively as the Sri Moolam Assembly (Lower House) and the Sri Chitra State Council (Upper House). The franchise was further broadened. The powers, privileges and functions of the Legislature were enhanced. The Dewan was the *ex- officio* President of both the Houses. The Assembly elected its own Deputy President. The Assembly elected its own Deputy President. The Assembly was given the right to vote on Demands for Grants and to reduce or omit any item of the Demands. Provision was made to constitute a Public Accounts Committee.

The bicameral Legislature continued till 4 September 1947, when the Maharaja proclaimed the establishment of responsible government in Travancore. The new Assembly, called the Representatives Body, was to function as the Constituent Assembly of Travancore.

In Cochin State, the first Legislative Council was inaugurated in April 1925 under the Cochin Legislative Council Act of 1923. In 1938, Cochin made a unique constitutional experiment under the

Government of Cochin Act, 1938. A system of dyarchy was introduced by which a member of the Legislature was appointed Minister to administer certain transferred subjects. In 1946, the number of Ministers was raised to four, and more subjects were transferred. On 14 August 1947, the eve of Indian Independence, the Maharaja of Cochin, in a message sent to the Legislative Council, announced his decision to grant full responsible government. In 1948, adult franchise was introduced and the Legislative Council was termed as the Legislative Assembly.

On 1 July, 1949, the State of Travancore and Cochin were merged and this integrated State came to be known as the United State of Travancore and Cochin. The Maharaja of Travancore became the head (styled as Rajpramukh) of the new State. The Legislative Assembly of the State was to consist of all persons who, immediately before integration, were members of the Representative Body of Travancore and the Legislative Assembly of Cochin. On 26 January, 1950, when India was proclaimed a Republic and the new Constitution came into force, Travancore-Cochin, along with other Indian States, became a constituent unit of the Union of India. And with the merger of Malabar district with Travancore-Cochin State on 1 November, 1956, the State of Kerala came into existence.

The first General Election to the Kerala Legislative Assembly was held in February-March 1957. There were 126 seats allotted to the Assembly. The President dismissed the Ministry and dissolved the Assembly on 31 July, 1959. The State went under President's rule. Fresh elections were held in February 1960. The State once again came under President's rule on 10 September, 1964, and the Assembly was dissolved. Fresh elections to the Assembly were held in 1965. But these elections proved abortive, as no party could secure majority support to be able to form a government. President's rule continued till March 1967. This was the longest spell of President's rule in the State. In the General Election held in March 1967, the United Front, led by the Communist Party of India (Marxist), won 117 out of 133 seats in the Assembly. The Ministry soon ran into rough weather and fell in 1969, and in its place a coalition Ministry assumed office on 1 November 1969. The Ministry resigned on 1

August, 1970 and the State came under President's rule from 4 August, 1970. Elections to the Legislative Assembly were held on 17 September, 1970. The United Front was returned to power with a big majority.

In March 1977, fresh elections to the Legislative Assembly were held. Consequent on the new delimitation of constituencies, the number of elected members in the Assembly rose from 133 to 140. The Assembly was dissolved on 30 November, 1979 and the State was placed under President's rule on 5 December 1979. Kerala went to polls next on 21 January, 1980. The Left Democratic Front led by the Communist Party of India (Marxist) secured a majority and the Ministry headed by Shri E.K. Nayanar came to power on 25 January,1980 but resigned on 20 October, 1981, and the State came under another spell of President's rule. The Assembly was kept under suspended animation. A new Ministry under the leadership of Shri K. Karunakaran assumed office on 28 December, 1981. The Ministry resigned on 17 March, 1982 and the State was once again placed under President's rule. Elections to the Seventh Kerala Legislative Assembly were held on 19 May, 1982. The United Front led by the Indian National Congress (I) was voted to power. The new Ministry under the leadership of Shri K. Karunakaran was sworn in on 24 May, 1982. The Seventh Kerala Legislative Assembly was dissolved on 25 March, 1987. Elections were held on 23 March, 1987. The Left Democratic Front led by the Communist Party of India (Marxist) secured a majority and the Ministry headed by Shri E.K. Nayanar came to power on 26 March, 1987. The Eighth Kerala Legislative Assembly was dissolved on 5 April, 1991, and Kerala went to polls again on 12 June, 1991. The United Democratic Front led by the Indian National Congress secured majority and the Ministry headed by Shri K. Karunakaran was sworn in on 24 June, 1991.

STRUCTURE OF LEGISLATURE

The normal tenure of the House is five years unless sooner dissolved. Table 1 shows the terms of successive Legislatures since 1957.

Table 1

Sl. No.	Legislative Assembly	Tenure From	To
1.	First	1.4.1957	31.7.1959
2.	Second	22.2.1960	9.9.1964
3.	Third	3.3.1967	26.6.1970
4.	Fourth	4.10.1970	21.3.1977
5.	Fifth	22.3.1977	31.11.1979
6.	Sixth	25.1.1980	16.3.1982
7.	Seventh	24.5.1982	24.3.1987
8.	Eighth	25.3.1987	5.4.1991
9.	Ninth	21.6.1991	—

PARTIES AND MEMBERS

Parties in Legislature: Generally those parties with fourteen seats and above are recognised as Legislative Parties and those with at least two but below fourteen seats are treated as Legislative Groups. A number of political parties have been taking part in elections since 1952.

Party Whips: It is the duty of the party whips to see that members are present in the House at the time of divisions. They keep members supplied with information about the business of the House and enforce party discipline.

Leader of the Opposition: The Leader of the Opposition is the leader of the largest party in the Opposition and recognised as such by the Speaker. He is a member of the Business Advisory Committee and as such has a voice in the arrangement of business in the House. The Leader of the Opposition is paid a salary of Rs. 1,000/- per mensem and dearness allowance at such rates as Officers of Government drawing a salary of Rs. 1,000/- per mensem are entitled to from time to time, as in the case of the salary paid to the Ministers. The Leader of the Opposition is entitled, without payment of rent, to the use of a fully furnished residence in the city of Thiruvananthapuram or is eligible for a house rent allowance of Rs. 150/- per mensem. Besides, he is entitled to medical facilities, conveyance facilities, staff and office, etc.

Qualification for Membership: A candidate for election as Member should be a citizen of India. His age should not be less than 25 years. He should not hold any office of profit under the Government of India or State Government. He will be disqualified if he is of unsound mind and stands so declared by a competent court, if he is an undischarged insolvent, if he is not a citizen of India or if he is so disqualified by or under any law made by Parliament.

Oath / Affirmation: An elected member should make and subscribe an oath or affirmation in pursuance of Article 188 of the Constitution at the commencement of a sitting of the Assembly or at any other time of the sitting of the Assembly, as the Speaker may direct.

Salary and Other Facilities: Every member of the Legislative Assembly is entitled to receive a fixed allowance of Rs. 300 per mensem; a consolidated sum of Rs. 800 per mensem for meeting his expenditure for the performance of his duties as such member in his Assembly Constituency, and a telephone allowance of Rs. 1,000 per mensem.

In addition to this, members are eligible for travelling and daily allowance for attending meetings of the Legislative Assembly or of any Committee thereof. Every member is entitled to receive a minimum travelling allowance of Rs. 2,000 per mensem for journeys inside the State.

(a) *Housing facility*: The members are eligible for accommodation in Thiruvananthapuram in the Legislators' Hostel, Annexe, suites and flats on payment of rent at the rate of Re. 1 per day or Rs. 25/- per month for a single room, and Rs. 2/- per day or Rs. 40/- per month for double rooms and Rs. 100/- per month for suites and flats. Concessions are allowed in the occupation of rest/guest houses and tourist bungalows belonging to the Government.

(b) *Membership facilities*: Medical aid is available in the Legislature building and in the Legislators' Hostel during the sittings of the Assembly. Besides, members and their families are eligible for free medical treatment and all other benefits including concessions in regard to reimbursement of cost of drugs purchased in the open market.

(c) *Telephone facilities*: Free use of telephones installed in the Legislature Secretariat and the Legislators' Hostel is allowed. There is PABX system providing telephone connections to all rooms in the Legislators' Hostel. Local calls are free of charge but trunk calls have to be paid for. Every member is provided with a telephone at his usual place of residence specified by him for his term of office and for a period of 15 days thereafter. Charges in respect of the installation and rental of the telephone shall be paid by Government.

(d) *Services of an assistant*: Every member shall be entitled to the services of an officer of his choice not above the rank of a Senior Grade Assistant in Government Secretariat and who is in the services of the Government or a Local Authority or any Corporation owned or controlled by Government or any other authority specified by the Government to assist him in the performance of his duties as such member.

(e) *Accident insurance*: Every member shall be entitled to be insured for an amount not exceeding two lakh rupees at the expense of the Government against accidents or other infirmities caused to him during his tenure as a member of the Legislative Assembly.

(f) *Stenographic and typing facilities*: The service of an English and a Malayalam typist are provided to the members in the Legislators' Hostel and in the Assembly building during session time.

(g) *Research, reference and library facilities*: Members are entitled to take books on loan from the Library. Reference service is available to indicate sources of information and assist in the location of reading materials. Paper clipping services is done with the object of assisting the speedy disposal of members' references on current topics. The Research and Reference Branch assists the members in the discharge of their parliamentary work by publication of fortnightly entitled 'Focus' which contains articles of current interest, news, digest, etc. by production of background materials on important Bills and Resolutions, preparation

of reference, notes, brochures, etc., on important topics and supplying on the spot references contained in the published documents.

(h) *Postal and stationery*: Prompt delivery of letters is effected during session time. Letters and other papers addressed to members are deposited in the pigeon holes allotted to each member near the entrance hall of the Chamber. Stationery items are supplied during the sessions. Every member is supplied with 1,800 small size and 1,000 big size letterheads with suitable envelopes.

(i) *Restaurant*: Catering arrangements (vegetarian and non vegetarian) are made in the Legislators' Hostel on payment basis. A canteen is set up for the use of members in the Secretariat premises near the Chamber.

(j) *Transport facilities*: The members are entitled to travel free of charge in the buses of the Kerala State Road Transport Corporation, but this does not affect the payment of T.A. or D.A. payable of them. Every member is provided with railway coupons of the value of Rs. 25,000 for a period of twelve calendar months, which entitles him or his or her spouse and one companion to travel by any class by any railway in India.

Resignation: A member who desires to resign his seat in the Assembly should intimate to the Speaker, in writing, his intention to resign his seat. He need not give any reason for his resignation. As soon as the intimation is received, the Speaker informs the Assembly about the resignation. If the Assembly is not in session, the Speaker informs the Assembly when it reassembles. The Secretary to the Legislature passes on the information to be published in the Gazette and a copy of the notification is forwarded to the Election Commission for taking steps to fill the vacancy thus caused.

Absence from House: A member desiring permission to remain absent from meetings of the Assembly is required to make an application in writing to the Speaker, specifying the period for which leave of absence is required, the date of commencement and termination of such leave of absence and the ground therefor. The leave of absence shall not exceed a period of 60 days.

The Speaker reads out the application to the Assembly and asks the opinion of the members. If no one dissents, the Speaker gives permission to remain absent. If anyone dissents, the Speaker takes the sense of the Assembly and thereupon declares the decision of the Assembly.

The seat of a member may be declared vacant on a motion by the Leader of the House or by such other member to whom he may delegate his functions in this behalf.

Explusion: The Speaker may direct any member whose conduct is, in his opinion, grossly disorderly, to withdraw immediately from the Assembly, and any member so ordered to withdraw does so forthwith and absents himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same session, the Speaker may direct the member to absent himself from the meetings of the Assembly for any period not longer than the remainder of the session, and the member so directed has to absent himself accordingly.

SESSIONS AND SITTINGS

Issue of Summons: The Governor shall summon the House to meet at such time and place as he thinks fit but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session. On behalf of the Governor, the Secretary to the Legislature shall issue the summons to each member specifying the date, time and place for a session of the Assembly. Along with summons, calendar of sittings, allotment of days for answering questions by the Ministers, forms of questions, etc., are also circulated to the members.

Prorogation of Legislative Assembly: The Governor exercises the power to prorogue the House. In exercising this power, he acts on the advice of the Chief Minister. Usually prorogation follows the adjournment of the sitting of the House *sine die*. The proposal of the Chief Minister for prorogation of the House, after being agreed to by the Speaker, is submitted to the Governor. After the Governor has made the order of prorogation, it is notified in the Gazette Extraordinary.

Dissolution of Legislative Assembly: The power to dissolve the Assembly is vested in the Governor and he exercises this power on the

advice of the Chief Minister. The Chief Minister may consult the Cabinet or inform it of his intention to make a recommendation to the Governor.

Secret Sessions: On a request made by the Leader of the House, the Speaker fixes a day or part thereof for the sitting of the Assembly in secret. No stranger is allowed to be present at such a sitting. The Speaker may cause a report of the proceedings of a secret sitting to be issued in such manner as he thinks fit, but no other person present is to keep a note or record of any proceedings or decisions of a secret sitting. Procedure in all other respects is in accordance with the directions of the Speaker. If the necessity of maintaining secrecy ceases to exist, subject to the consent of the Speaker, a motion may be moved by the Leader of the House that the proceedings no longer be treated as secret. Disclosure of proceedings or decisions of a secret sitting by any person is treated as gross breach of privilege of the Assembly.

Emerging Sessions: When a session is called at short notice or emergently, summons may not be issued to each member separately but announcement of the date and place of the session is published in the Gazette and made in the Press and the members also informed by telegram.

BUSINESS OF THE HOUSE

Order of Business: The business of the House is usually arranged in the following order: Questions, Calling Attention, Legislative Business or Financial Business or Private Members' Business, as the case may be, as directed by the Business Advisory Committee.

List of Business: On the days allotted for transaction of Government business, the Secretary arranges that business in such order as the Speaker, in consultation with the Leader of the House, may determine. A list of Business for the day is prepared by the Secretary and a copy is made available for the use of every member.

The following items of business can be taken up in the House without any entry in the List of Business:- Oath or affirmattion by a member returned in a byelection; obituary reference on the demise of

a sitting member or a former member; adjournment motion; announcement or ruling by the Speaker; question of privilege; announcement regarding arrest of a member; announcement regarding resignation of a member, etc.

Business Advisory Committee: At the commencement of the Assembly or from time to time, the Speaker constitutes the Business Advisory Committee consisting of not more than nine members including the Speaker who is the Chairman of the Committee. The function of the Committee is to recomend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Speaker in consultation with the Leader of the House, may direct for being referred to the Committee. The Committee have the power to indicate in the proposed time table the different hours at which the various stages of the Bill or other business has to be completed. The recommendations are presented to the House in the form of a report.

Private Members' Business: Usually the last 2 1/2 hours of a sitting on every Friday is allotted for the transaction of Private Members' Business. The Speaker may, in consultation with the Leader of the House and the Leader of the Opposition, allot any day other than a Friday for the transaction of the Private Members' Business.

The Committee on Private Members' Bills and Resolutions consists of 7 members who are nominated by the Speaker. The Committee examines all Private Members' Bills after they are introduced and before they are taken up for consideration in the Assembly and classify them according to their nature, urgency and importance and recommends the time to be allotted for each Private Members' Bill, examines every Private Members' Bill which is opposed in the Assembly on the ground that the Bill initiates legislation outside the legislative competence of the Assembly, recommends time limit for the discussion of Private Members' Resolution and other ancillary matters, perform any other function in respect of Private Members' Bills and Resolutions as may be assigned to it by the Speaker.

After the Report has been presented to the Assembly, a motion may be moved that the Assembly agrees or agrees with amendments or disagrees with the report. Not more than half an hour is allotted for

discussion of the motion and not more than 5 minutes allowed for each member. At the appointed hour, in accordance with the allocation of time, the Speaker forthwith puts every question necessary to dispose of all the outstanding matters in connection with the completion of a particular stage of the Bill.

Rules of Debate: The Speaker allows time to various parties according to the strength of their members, and the parties in turn inform the Secretary the names of the members representing their party who have to speak. The Secretary then prepares a list of members who are to speak on the day. The list is given to the Speaker. The Speaker calls the members according to the list, from the Treasury Bench and the Opposition, alternatively.

Members speak from their place. A member has to rise when he speaks and he has to address the Speaker. A member disabled by sickness or infirmity may be permitted to speak sitting. Reading of speeches is not allowed though notes may be referred to.

A member is not to interrupt any member while speaking, by disorderly expression or noises or in any other disorderly manner. If the member who is speaking yields to a question, only then interruptions are allowed with the permission of the Speaker.

The Speaker prescribes a time limit for speeches.

A member who has moved a motion may speak again by way of reply and if the motion is moved by a private member, the Minister concerned may, with the permission of the Speaker, speak (whether he has previously spoken in the debate or not) after the mover has replied. But this provision does not give any right of reply to the mover of a motion to reduce any demand for grant or to the mover of an amendment to the Bill or a resolution save with the permission of the Speaker. The reply of the mover of the original motion shall in all cases conclude the debate.

Voting Procedure: Votes are taken by voices or by show of hands or by division if any member so desires. When a division is ordered by the Speaker, Division bells ring and immediately after the bells stop ringing all the doors of the Chamber are closed to prevent any entry until division is concluded. When the Speaker puts the question, the members who are in favour of the motion will rise from their seats and

the Secretary calls the name of the Members. Members whose names have been called resume their seats. Voting by casting of ballot papers is resorted to in the election of the Speaker and Deputy Speaker when more than one member have been nominated to the post.

The Speaker maintains order in the House and he has all the powers necessary for the purpose of enforcing his decisions. He intervenes when a member makes an unwarranted or defamatory remark by asking him to withdraw that remark or make amends. He may also order the expunction of any defamatory or indecent words used in the debate. He may direct any member guilty of disorderly conduct to withdraw from the House, and any member so ordered to withdraw will have to absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same session, the Speaker may direct the member to absent himself from the meetings of the Assembly for any period not longer than the remainder of the session. He can name a member for suspension if the member disregards the authority of the Chair and persists in obstructing the proceedings of the House. He may adjourn or suspend the business of the House in case of grave disorder. The usual practice followed is that suspension is awarded on a motion moved by the Leader of the House.

Proceedings: The official records of the proceedings of the Assembly are kept in Malayalam or in the language in which such proceedings are conducted in the Assembly. Verbatim reports of the proceedings of the Assembly are prepared. A "Synopsis of the Proceedings other than Question Hour" and also "Gleanings from the Question Hour" are prepared in Malayalam as well as in English and distributed to the members. Uncorrected debates are prepared on the same day of the sitting of the Assembly. The time taken for issuance of edited and printed debates is between two to three months.

Malayalam is the main language used in debates. However, Tamil, Kannada and English can also be used in the debates.

Presiding Officer: The Speaker *pro tem* is appointed by the Governor when the office of the Speaker and Deputy Speaker fall vacant. After his appointment, the Speaker *pro tem* continues in office till the Speaker is chosen. Normally, the seniormost member of the Assembly

is chosen for appointment as the Speaker *pro tem*. He enjoys all the powers of the Speaker under the Constitution and the Rules of Procedure. No salary and allowances are paid to the Speaker *pro tem*.

The elections of the Speaker and Deputy Speaker are held on such date as the Governor may fix. The person presiding reads out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders. If only one member has been so nominated, he is declared to be elected by the Presiding Officer. If more than one member have been so nominated, the Assembly proceeds to elect a Speaker/Deputy Speaker by ballot.

The term of office of the Speaker/Deputy Speaker is five years. But the Speaker shall continue till the first meeting of the new Assembly after the discussion of the earlier one.

The position and status of the Speaker as per the Order of Precedence is 14th along with the Chief Justice of the High Court. He is above the rank of the Cabinet Members of the State Government.

The Speaker is entitled to a salary of Rs. 1,000/- per mensem and dearness allowance at such rates as officers of Government drawing a salary of Rs. 1,000 per mensem. He is entitled to a consolidated sum of Rs. 850 per mensem to meet the cost of petrol. The Deputy Speaker is also entitled to a salary of Rs. 1,000/- per mensem and a dearness allownace ar such rates as officers of Government drawing a salary of Rs. 1,000/- per mensem. The Speaker of the Kerala Assembly enjoys several other facilities, like free furnished accommodation, medical facilities, personal staff, staff car and guard. He is entitled to be insured at the expense of Government against accidents during journey by air performed on public business.

The Speaker regulates the debates and proceedings of the House and determines when a member should be called upon to speak and how long he should be allowed to speak. He rules on points of order raised by members and his ruling is final. He has the power to interpret the Constitution and the Rules as far as matters relating to the House are concerned. He is charged with the maintenance of order in the House and enforces the obeervance of rules by members. He can order expunction of indecent words used in the House, and can direct any unruly member to withdraw from the House. He can also adjourn or

suspend the business of the House in case of grave disorder. The Speaker presides over the Business Advisory Committee and the Rules Committee.

The Speaker is the final authority in regard to appointment and disciplinary control of the Legislature Secretariat.

The Speaker/Deputy Speaker should vacate his office if he ceases to be a member of the Assembly. He can resign his office at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker and if such member is the Deputy Speaker, to the Speaker. He may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly. But such resolution should not be moved if at least 14 days' notice has not been given for the intention to move the resolution. Tables 2 and 3 show the names and the tenure of Speakers and Deputy Speakers of the Kerala Legislative Assembly.

Table 2: Statement Showing the Names and Tenures of Speakers Since 1957

Name	Tenure	
	From	To
Shri R. Sankaranarayanan Thampi	27.4.1957	31.7.1959
Shri K.M. Seethi Sahib	12.3.1960	17.4.1961
Shri C.H. Mohammed Koya	9.6.1961	10.11.1961
Shri Alexander Parambithara	13.12.1961	4.9.1964
Shri D. Damodaran Potti	15.3.1967	21.10.1970
Shri K. Moideenkutty Haji	22.10.1970	8.5.1975
Shri R.S. Unni*	9.5.1975	16.2.1976
Shri T.S. John	17.2.1976	25.3.1977
Shri Chakkeeri Ahamedkutty	28.3.1977	14.2.1980
Shri A.P. Kurian	15.2.1980	1.2.1982
Shri A.C. Jose	3.2.1982	23.6.1982
Shri Vakkom B. Purushothaman	24.6.1982	28.3.1984
Shri V.M. Sudheeran	8.3.1985	30.3.1987
Shri Varkala Radhakrishnan	30.3.1987	28.6.1991
Shri P.P. Thankachan	1.7.1991	till date

* Shri R.S. Unni, Deputy Speaker performed the duties of Speaker.

Table 3: Statement Showing the Names and Tenure of Deputy Speakers Since 1957

Name	Tenure	
	From	To
Smt. K.O. Ayaha Bai	6.5.1957	31.7.1959
Smt. N. Nabisath Beevi	15.3.1960	9.9.1964
Shri M.P. Mohammed Jafferkhan	20.3.1967	26.6.1970
Shri R.S. Unni	30.10.1970	21.3.1977
Shri P.K. Gopalakrishan	6.7.1977	22.10.1979
Shri M.J. Zacharia	21.2.1980	17.3.1982
Shri K.M. Hamza Kunju	30.6.1982	7.10.1986
Shri Korambayil Ahamed Haji	20.10.1986	25.3.1987
Smt. Bhargavi Thankappan	2.4.1987	4.4.1991
Shri K. Naryana Kurup	19.7.1991	till date

PROCESS OF LEGISLATION

The legislative proposals originate from the concerned Departments of the Government. All legislative proposals must be brought in the form of Bills before the Legislature. A Bill has a long title, a short title, and an enacting formula. It also specifies the extent of applicability and in certain cases, the date on which it will come into force.

A Bill is divided into self-contained paragraphs known as clauses, each containing a feature of the proposals embodied in the Bill. A clause may be divided into parts. The clauses are numbered serially. A Bill may also contain appendices which are called schedules. When the Bill is passed by the Legislature and assented to by the head of the State, it becomes an Act. A Bill involving expenditure is accompanied by a Financial Memorandum which invites particular attention to the clauses involving expenditure and also gives an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law. A Bill involving proposals for the delegation of legislative powers is further accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also

whether they are of normal or exceptional character. Whenever a Bill seeking to replace an Ordinance with or without modification is introduced in the Assembly, a statement explaining the circumstances which had necessitated immediate legislation by ordinance is also placed before the Assembly along with the Bill.

In the case of Private Members' Bill, the general procedure is the same as in the case of Government Bills. The period of notice of a motion for leave to introduce a Private Member's Bill is fifteen clear days unless the Speaker allows the motion to be made at shorter notice. The Committee on Private Members' Bills and Resolutions examines all Private Members' Bills after they are introduced and before they are taken up for consideration in the Assembly and calssifies them according to their nature, urgency and importance.

First Reading: All legislative proposals are brought before the Legislature in the form of Bills. The Speaker may order the publication in the Gazette of any Bill although no motion has been made for leave to introduce the Bill. In that case it is not necesary to move for leave to introduce the Bill and if the Bill is afterwards introduced it is not necessary to publish it again. Any member other than a Minister desiring to move for leave to introduce a Bill, should give 15 clear days' notice of his intention and together with the notice, submit a copy of the Bill and an explanatory statement of Objects and Reasons.

After a Bill has been introduced, the Bill (unless it has already been published) is to be published in the Gazette. The introduction of a Bill is generally known as the first reading of the Bill.

Second Reading: The second reading is divided into two stages. The first stage consists of a general discussion on the principles of the Bill and the second relates to the discussion on clauses, schedules and amendments. During the first stage of the second reading, the member in charge may move that the Bill, other than Appropriation Bill, be referred to the appropriate Subject Committee or to a Select Committee of the House or that it be circulated for eliciting public opinion. The member in charge explains the purpose and object of the Bill, gives the background of the proposed Bill and explains the circumstances in which the Bill is introduced and gives such other material information

as may be necessary for understanding the provisions of the Bill. The members on either side take part in the debate. After the debate, the main motion as well as the amending motion if any moved, are put to the vote of the House. The second stage is clause by clause consideration. After the motion that the Bill, as reported by the Subject Committee or Select Committee as the case may be, be taken into consideration has been voted and carried, the Bill is taken up for consideration clause by clause. Each clause is placed before the House for discussion and amendments are allowed to be moved. Notice of amendments should be given one day before the day on which a particular clause is to be taken up for consideration. Amendments are ordinarily considered in the order of the clause of the Bill. After the member in charge of the Bill has replied, the amendment is put to the vote of the House. Clause 1, the enacting formula, the preamble, the long title of the Bill, etc., are postponed until the other clauses to the schedules have been disposed of.

Third Reading: The third reading is confined to the passing or rejection of a Bill as a whole when all clauses and schedules, if any, of a Bill have been considered and voted upon by the House. The member in charge moves "that the Bill (or the Bill as amended) be passed". After the Bill is passed in the Assembly, it is signed by the Speaker and presented to the Governor for authentication.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

The Question Hour: The first hour of every sitting is usually devoted to the asking and answering of questions. A question is asked for the purpose of obtaining information on a matter of public importance within the special cognisance of the Minister to whom it is addressed. Unless the Speaker otherwise directs, not less than twelve clear days' notice of a question is to be given. The notice is to be given in writing to the Secretary in the prescribed form stating the official designation of the Minister to whom the question is addressed, the date on which the question is addressed and the date on which the question is proposed to be placed on the list of questions for answer. Oral answers

are given on the floor of the Assembly for starred questions. Unstarred questions are those for which written replies are furnished. They are not orally answered on the floor of the House.

The Speaker calls successively each member in whose name a question appears on the list of questions. The member so called rises in his place and asks the question. Any member, when called upon by the Speaker, may put a supplementary question.

A question relating to a matter of public importance may be asked with notice shorter than 12 clear days and if the Speaker is of opinion that the question is of an urgent character, he directs that an enquiry may be made from the Minister concerned if he is in a position to reply, and if so, on what date. If the Minister concerned agrees to reply, such question will be answered on a day to be indicated by him and will be called immediately after the questions in the list of questions for oral answer have been disposed of. The member should briefly state the reasons for asking the question with short notice. If no reason is stated, the question will be returned to the member.

Half-an-hour Discussion: The Speaker may allot half-an-hour on three days in a week for raising discussion on a matter of sufficient public importance which has been the subject of a question in the Assembly, in the same session irrespective of the fact whether the question was answered orally or the answer was laid on the Table. A member should give notice in writing to the Secretary two clear days before the day on which the matter is desired to be raised and should specify briefly the point or points that he wishes to raise. The notice should be accompanied by an explanatory note stating the reasons for raising discussion on the matter in question. The Speaker decides whether the matter is of sufficient public importance to be taken up for discussion. The member who has given notice should make a short statement and the Minister concerned will give a brief reply.

Motion of No-confidence: A motion of no-confidence in Ministers may be moved after questions and before the List of Business for the day is entered upon. The member asking for leave must give a written notice of the motion which he proposes to move three clear days before the date on which he proposed to move it, to the Secretary. If the Speaker feels that the motion is in order, he reads the motion to the

Assembly and requests those members who are in favour of leave being granted to rise in their places, and if not less than 20 members rise accordingly, the Speaker declares that the leave is granted and the motion will be taken up for discussion on a day or days allotted by the Speaker. If less than 20 members rise, the Speaker informs the member that he has not the leave of the Assembly.

Adjournment Motions: A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker. Notice of an adjournment motion should be given before the commencement of the sitting on the day on which the motion is proposed to be made both to the Speaker and to the Minister concerned. The notice should be accompanied by a brief statement of the matter proposed to be discussed. The Speaker, if he gives consent and if he feels that the matter proposed to be discussed is in order, calls the member concerned after the questions and before the List of Business is entered upon. The member should rise and ask for leave to move the adjournment of the Assembly. If objection to leave being granted is taken, the Speaker requests those members who are in favour of leave being granted to rise in their places, and if not less than 15 members rise accordingly'. the Speaker intimates that leave is granted. If less than 15 members rise, the Speaker informs the member that he has not the leave of the Assembly. The Speaker prescribes a time- limit for speeches.

No-Day-Yet-Named Motion: If the Speaker admits notice of a motion and no date is fixed for the discussion of the same, it will be notified in the Assembly Bulletin with the heading No-Day-Yet-Named Motions.

Short Duration Discussions: Any member who desires to raise discussion on a matter of urgent public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. The notice should be accompanied by an explanatory note stating reasons for raising a discussion on the matter in question. The Speaker decides the admissibility of the notice. The Speaker may allot two sittings in a week on which such matters are taken up for discussion. There is no formal motion or voting. The member who has given notice may make a

short statement and the Minister gives a brief reply.

Calling Attention Notices: A member may, with the permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date. Not more than two such matters may be raised at the same sitting. A notice to call the attention of a Minister must be addressed to the Secretary and a copy of the same should be given to the Minister concerned to give him advance intimation and to enable him to appraise the Speaker of the facts of the matter raised therein in order to assist him in deciding the admissibility of the notice. Urgency and public importance are the main tests of admissibility of a calling attention notice. The admissibility is decided by the Speaker. Admitted notices are taken in the House after the questions and immediately before other items in the List of Business are taken up and at no other time during the sitting of the Assembly. On being called by the Speaker, the member who has given the notice rises in his place and calls the attention of the Minister concerned to the matter. The Minister gives a brief statement. There cannot be debate at the time the statement is made by the Minister. The member who called attention can ask one question and the Minister replies.

Governor's Address: The Speaker, in consultation with the Leader of the House and the Leader of the Opposition, allots time for the discussion of matters referred to in the Governor's Address. The Assembly is at liberty to discuss the matters referred to in such Address on a Motion of Thanks moved by the Leader of the House or any member authorised by him. The motion should be seconded. Amendments may be moved to such Motion of Thanks. The Chief Minister or any other Minister has a general right of explaining the position of the Government at the end of the discussion on behalf of the Government and the Speaker may fix the hour by which the discussion should be concluded. The Speaker may prescribe a time limit for speeches after taking the sense of the Assembly. When the motion is adopted with or without amendment, it is presented to the Governor by the Speaker. The Governor's reply is reported to the Assembly by the Speaker. The discussion on the Address may be postponed in favour of a Government Bill or other Government

Business.

Petitions: Petitions may be presented or submitted to the Assembly with the consent of the Speaker to the Assembly with the consent of the Speaker on a Bill which has been published or introduced in the Assembly, on any matter connected with the business pending before the Assembly or on any matter of general public interest. The full name and address of every signatory to a petition should be written and authenticated by his signature or thumb impression if illiterate. Letters, affidavits or other documents should not be attached to any petition. If the petition is presented by a member, it should be countersigned by him. Every petition should be addressed to the Assembly. A petition may be presented by a member or be forwarded to the Secretary, who reports it to the Assembly. Every petition, after presentation, stands referred to the Committee on Petitions.

The Committee on Petitions consists of nine members who are nominated by the Speaker. The right of submitting petitions to the Assembly enables the people to ventilate their grievances and to put forth suggestions before the body elected by them whether relating to any Bill or any other matter. The Committee examines the merits of every petition referred to it and recommends action thereon.

BUDGET IN LEGISLATURE

The Budget documents portray the financial plan of the Government for a particular period. The basis for the Budget is provided by the detailed estimates. These estimates include the expenditure needs of several Governmental agencies, anticipated revenues and other sources of income, anticipate revenues and other sources of income, comparative figures from the current and preceding years and such accounting statements relating to the financial condition and operations of the Executive. The Budget estimates indicate the Governmental activities in various fields for the coming financial year.

The Minister for Finance presents the following documents to the Legislature on the day allotted for the presentation of the Budget and he does it with a speech:

1. Demands for Grants and Detailed Budged Estimates for the year.
2. Five Year Plan Programmes.
3. Explanatory Memorandum on the Budget.
4. Detailed Estimates of Receipts and Disbursements under Debt Heads.
5. Detailed Budget Estimates of Revenue.
6. Annual Financial Statement.
7. Appendix I to the Detailed Budget Estimates.
8. Appendix II to the Detailed Budget Estimates.
9. Speech by the Minister for Finance.

The Finance Minister's speech gives the principal background for general discussion of the policies of the State Government. The speech generally includes a review of the economic condition of the State, the major Plan activities, taxation proposals, Budget Estimates for the current year, capital expenditure, programmes proposed to be taken up, ways and means and the policy of the Government in general.

Two more documents, namely 'Economic Review for the Previous Year' and the 'Performance Budget' are also presented.

The Budget is usually presented in February–March. After the presentation of the Budget there is a general discussion on the Budget, usually for a period of three days. The Speaker, if he thinks fit, prescribes a time-limit for speeches. The Finance Minister has a general right of reply at the end of the discussion.

Demands for Grants: The Assembly is at liberty to discuss the Budget including the expenditure charged on the Consolidated Fund of the State. Estimates of expenditure which are not charged on the Consolidated Fund are submitted to the Assembly in the form of Demands for Grants on the recommendation of the Governor. There should ordinarily be a Demand for Grant for each major head of account. The demand will be for the gross expenditure without taking into account the recoveries taken in reduction of expenditure. The Assembly may assent or refuse to assent to any demand or assent to demand subject to a reduction of the amount specified therein. There

is a provision for guillotine. The Speaker puts the outstanding questions relating to the business in hand. The Chair puts the questions, no further discussion thereon being allowed.

Cut motions may be moved to reduce the amount of a particular demand. Like Parliament and other State Legislatures, there are three types of cut motions; namely, the Disapproval of Policy Cut, the Economy Cut and the Token Cut.

The notice of motion to reduce any grant should be given one clear day before the day on which the demand is to be considered.

At the conclusion of the general discussion on the Budget, the Demands for Grants stand referred to the appropriate Subject Committees for scrutiny and report. Each Subject Committee scrutinises the Demands for Grants falling under the subject area of the respective Committees. The scrutiny is ordinarily confined to variations in demands from the previous year, more particularly increases, the need for economy and efficiency, new services and relationship of expenditure to needs. The scrutiny should be completed on all demands within a period of four weeks. Thereafter each Subject Committee is to report to the House the result of such scrutiny.

There are no *ad hoc* Financial Committees in the Kerala Legislative Assembly.

The average time taken for the whole process and between presentation of the Budget and its adoption by the House is about 75 hours.

LEGISLATURE COMMITTEES

It is the duty of the Legislature to keep constantly vigil on the functioning of the Executive Government. This control is exercised through various Committees of the Legislature which keep a continuous watch on how far the Administration is conforming to the policies laid down and directions given by the Legislature in carrying on the administration.

A Legislature Committee is appointed or elected by the House or nominated by the Speaker, works under the direction of the Speaker and presents its report to the House or to the Speaker.

Standing Committees: The Assembly has Standing Committees like the Business Advisory Committee, the Committee on Private Members' Bills and Resolutions, the Committee on Petitions, the Committee of Privileges, the Committee on Subordinate Legislation, the Committee on Government Assurances, the Committee on the Welfare of Women and Children, the Committee on Environment, the Rules Committee, the Committee on Public Accounts, the Committee on Estimates, the Committee on Public Undertakings and the Committee on the Welfare of Scheduled Castes and Scheduled Tribes. Out of these, three Financial Committees, viz., Committee on Estimates, Public Accounts and Public Undertakings constitute by far the most potent legislative mechanism for effective financial accountability of administration and legislative oversight.

Estimates Committee: It consists of eleven members who are elected by the Assembly from among its members, for a period of two years.

The Committee examines such of the estimates of the Government as may seem fit to the Committee or are specifically referred to it by the Assembly or the Speaker and suggests economies, improvements in organisation, efficiency or administrative reforms consistent with the policy underlying the estimates. The Committee also suggests alternative policies in order to bring about efficiency and economy in administration and the form in which the estimates should be presented to the Assembly.

Public Accounts Committee: This Committee consists of eleven members who are elected by the Assembly for a period of two years from among its members.

The primary function of the Committee is to examine the accounts showing the appropriation of sums granted by the Legislature for the expenditure of the Government. The Appropriation Accounts of the Government of Kerala and the Audit Report submitted by the Comptroller and Auditor-General of India form mostly the basis for the examination of the Committee. Cases of extravagance, waste, avoidable losses of nugatory expenditure, financial irregularities, illegalities and improprieties are brought to the notice of the Committee. Cases involving expenditure in excess of that voted by the Legislature receive special attention of the Committee, which examines them with

reference to the facts of each case, the circumstances leading to such excess and makes such recommendations as it deems fit. It is only after the Committee's recommendation that Government approach the House for regularisation of such excesses.

The Committee is concerned not with questions of policy but with the execution of the policy laid down by the Assembly and its results.

Public Undertakings Committee: It consists of eleven members who are elected by the Assembly for a period of two years from among its members.

The Committee examines the working of the Public Undertakings in the State, their reports and accounts. It examines whether the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices. It also examines the report of the Comptroller and Auditor-General of India (Commercial).

The functions of the other Standing Committees are self-explanatory.

Subject Committees: By an amendment to the Rules of Procedure, a new system of Committees, known as 'Subject Committees' has been introduced in 1980. They are standing committees, and their function broadly is to secure more effective scrutiny of legislation, the Budget proposals and other executive actions. There are ten Subject Committees at present in the Kerala Assembly. Each one of these deals with a specified subject area.

The maximum membership of a committee may be 15, and the minimum 10. The Ministers-in-charge of subjects falling within the jurisdiction of a committee are the *ex officio* members of that Committee. No member (other than a Minister) can be a member of more than one Subject Committee. The Speaker nominates the members to each Committee, and also appoints one of the members of the Committee to be its Chairman. The term of a Committee is two years.

With the institution of the Subject Committees, every Bill, other than an Appropriation Bill, after introduction, is to be referred either to the concerned Subject Committee or to a Select Committee for examination and report to the House. In regard to Demands for Grants, the scrutiny is ordinarily confined to variations in the

demands from the previous year, more particularly increases, the need for economy and efficiency, new services, and relationship of expenditure to needs. The Subject Committees take up scrutiny of the Demands for Grants immediately after the general discussion of the Budget in the House. The scrutiny is to be completed within a period of four weeks, and each Committee has to report to the House the result of its scrutiny. The Demands for Grants are thereafter discussed and voted upon in the House. The Subject Committees do not examine or investigate matters of day to day administration.

Following Committees deal with various subjects:

(1) Committee I—Agriculture and Integrated Rural Development;
(2) Committee II—Land Revenue, Forest and Fisheries;
(3) Committee III—Irrigation and Power;
(4) Committee IV—Industry and Minerals;
(5) Committee V—Public Works, Transport and Communications;
(6) Committee VI—Social Services;
(7) Committee VII—Food, Housing and Labour;
(8) Committee VIII—Economic Affairs;
(9) Committee IX—Local Administration and Co-operation;
(10) Committee X—Home Affairs.

Ad hoc Committees: The *Ad hoc* Committees are appointed for a specific purpose and they cease to exist when they finish the task assigned to them and submit a report. The principal *Ad hoc* Committees are the Select Committees on Bills.

LEGISLATIVE PRIVILEGES

No member of the Legislature is liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any Committee thereof, and no person is so liable in respect of the publication by or under the authority of the Legislature of any report,

paper, notes or proceedings. The House has a right to receive immediate information of the arrest, detention, conviction, imprisonment and release of a member. The members have exemption from service of legal process and arrest within the precincts of the House. Moreover, the House has the power to commit persons, whether they are members or not, for breach of privilege or contempt of the House, to compel the attendance of witnesses and to send for papers and records, to regulate its procedure and conduct of its business, to prohibit the publication of its debates and proceedings and to exclude strangers.

A question of privilege may be raised in the House only after obtaining the consent of the Speaker. A member who wishes to raise a question of privilege is required to give notice in writing to the Secretary. The matter is then considered by the Speaker who may either give or withhold his consent to the raising of the question of member who tabled the notice asks for leave of the House to raise the question of privilege. After leave is granted by the House, the matter is usually referred to the Committee of Privileges, and the House defers its judgement until the report of the Committee has been presented.

The Committee of Privileges: The Committee of Privileges consists of nine members who are nominated by the Speaker. The Committee examines every question involving breach of privilege of the Assembly or of the members or of any Committee thereof referred to it by the Assembly or by the Speaker. It determines with reference to the facts of each case whether a breach of privilege is involved and makes suitable recommendations in its report.

SERVICING OF LEGISLATURE

The Secretary: Appointment to the post of Secretary is made by the Speaker in consultation with the Chief Minister, either by promotion, or by transfer or by deputation from any other service, or by direct recruitment in consultation with the Kerala Public Service Commission.

The Secretary helps the Speaker in the exercise of all his powers and functions. In fact, the Speaker and the Secretary work together

closely and the Secretary is a constant companion to the Speaker in his parliamentary activities. The Secretary takes charge of the records of the Assembly, attends all meetings and causes to take minutes of the proceedings of the Assembly under the direction of the Speaker and to superintend the printing of all papers to be printed; to prepare and revise the marginal abstracts of Bills and the headings and arrangements of chapters and the numbering of the clauses thereof and to check and correct the references to the numbers of the clauses, etc., made in Bills, to note the questions and resolutions which are not admissible under Rules, to carry on correspondence under the orders of the Assembly and generally to assist the Assembly. He is the administrative head of the Legislative Secretariat although the Speaker is the final authority in regard to gazetted appointments and disciplinary control. The age of retirement for the Secretary is 55 years.

The Secretary to Legislature has a rank equivalent to that of a Secretary to Government and is placed in 26th rank in Order of precedence.

Table 4 gives the tenure of the successive Secretaries of the Kerala Legislative Assembly.

Table 4: Successive Heads of the Kerala Legislative Assembly Secretariat

Sl.No.	Name	Tenure	
		From	To
1.	Shri V. Krishnamoorthy	1949	1959
2.	Shri D. Thirumallai Iyengar	1959	1964
3.	Shri L. Dharmaraja Iyer	1964	1967
4.	Shri V.P. Neelakantan Namboodari	1967	1969
5.	Dr R Prasanna	1969	1984
6.	Shri K.P. Padmanabhan	1984	1987
7.	Shri K. Balagopalan (in-charge)	1987	1989
8.	Shri R. Rajendra Babu	1989	1992
9.	Shri K. Jacob Kurian (in-charge)	March 1992	May 1992
10.	Shri J.M. James	June 1992	—

The Secretariat: In the earlier days, the secretarial work of the Legislative Assembly used to be done by a small staff temporarily posted for the purpose by the Supplies Department (Legislative Section) of Government. The accounts work pertaining to Legislature was done by the General Administrative Secretariat. On 1 June, 1948 the Travancore Legislative Assembly was organised, which was constituted with the staff of the representative body (Travancore Constituent Assembly). The overall administrative control of the office was vested in the Chief Secretary to Government. In 1949, with the integration of the erstwhile States of Travancore and Cochin, the Assembly Office was reorganised with the staff of both Travancore and Cochin Legislative Assemblies.

The need for a separate Secretariat for the Legislative Assembly under the control of the Speaker was first voiced by Shri T.M. Varghese in 1949 when he was the Speaker of the Travancore-Cochin Legislative Assembly in accordance with clause (3) of Article 187 of the Constitution. The Travancore-Cochin Legislature Secretariat (Recruitment and Conditions of Service) Rules, 1953 were made with retrospective effect from 12 December, 1950, the date on which a separate Secretariat for the Travancore-Cochin Legislature was established. Under these Rules, power to make all appointments, including the post of Secretary to the Legislature, in the Secretariat was vested in the Speaker. The disciplinary control over the Legislature Secretariat staff was also vested in the Speaker. The independent character of the Legislature Secretariat was thereby given statutory recognition.

With the formation of the Kerala State in 1956 under the States Reorganisation Act, the Travancore-Cochin Legislature Secretariat became the Secretariat of the Kerala Legislature. The Travancore-Cochin Legislature Secretariat (Recruitment and Conditions of Service) Rules, 1953 were made applicable to the Kerala Legislature Secretariat.

In 1979, the Kerala Legislature Secretariat (Recruitment and Conditions of Service) Rules were brought into force repealing the Travancore-Cochin Rules.

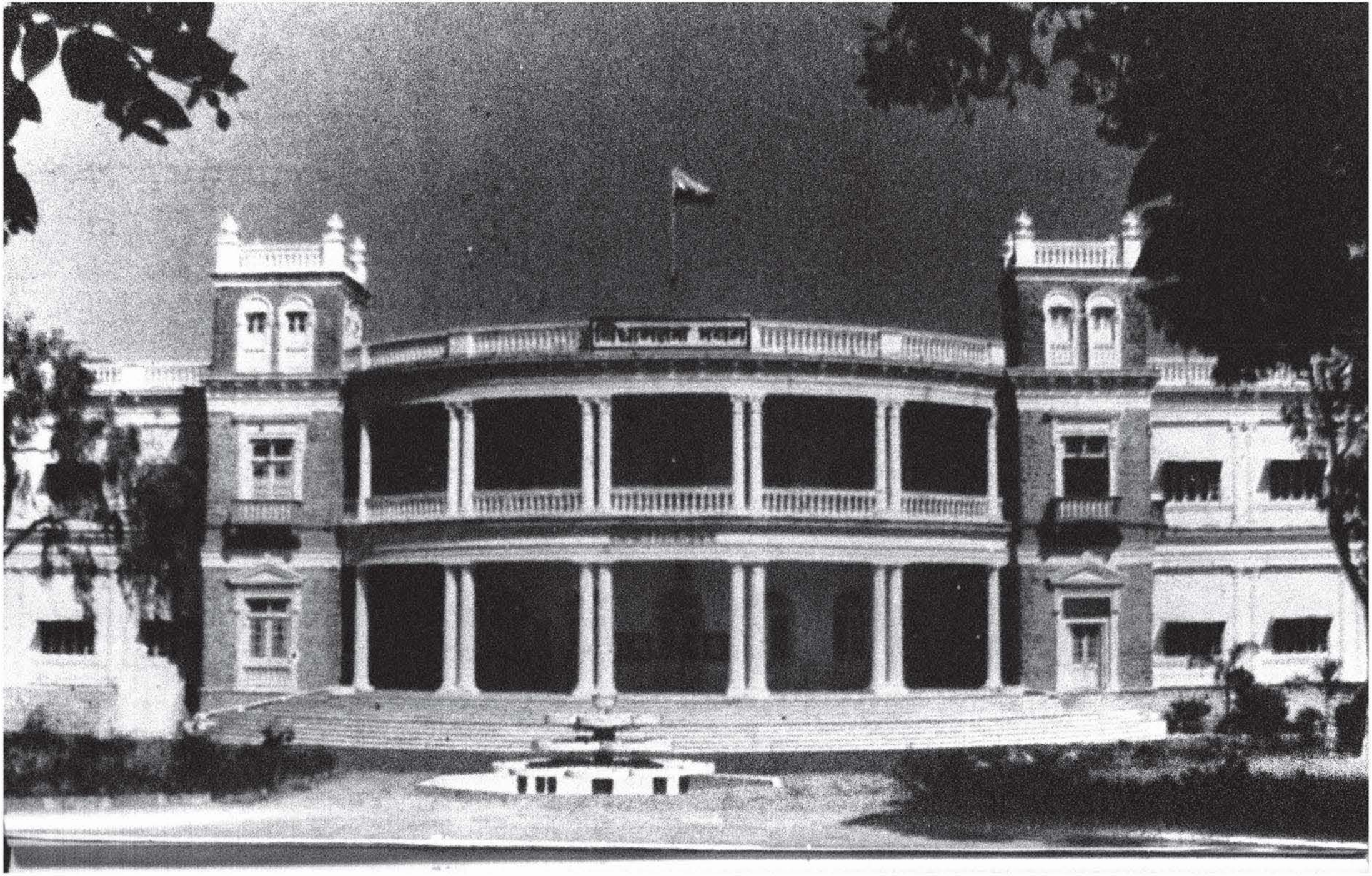
The work of the Secretariat falls broadly under the following categories on a functional basis:

(i) Management of the Business of the House;
(ii) Legislation including Subordinate Legislation;
(iii) Questions, Resolutions, Motions, etc.;
(iv) Committees;
(v) Reporting, Editing and Printing of Assembly Proceedings;
(vi) Members' Amenities;
(vii) Library, Research and Reference Services;
(viii) Secretariat Administration.

Library, Research and Reference Services: The total holdings of the Library are about 75,000 including books, reports, proceedings of the Parliament and Legislatures. The Library maintains a card catalogue system and receives about 300 newspapers and periodicals. A Library Advisory Committee consisting of eight members (seven M.L.As. and the Secretary to the Legislature *ex officio*) is constituted by the Speaker. The Committee makes recommendations for the improved working of the Library. Membership is open to M.L.As., M.Ps. representing Kerala, Secretariat staff and Heads of Departments.

Research and Reference Wing: This wing caters to the intellectual needs of members. A fortnightly journal called 'Focus' meant for the lawmakers, is prepared in the Research Section. Background materials on important Bills and Resolutions are also prepared.

The Reference Wing renders assistance to members through supply of on-the-spot information and reference material as required by them in their work connected with the Assembly. 'Legal and Constitutional Digest', a quarterly is published by the Reference Section for the use of members.



MADHYA PRADESH

ORIGIN AND GROWTH

As a result of the reorganisation of States on the basis of the States Reorganisation Commission Report, the present State of Madhya Pradesh was formed on 1st November, 1956 by merging the territories of the States of Madhya Bharat, a union of princely States in the Malwa Plateau region; Vindhya Pradesh, a union of States in the Vindhya region; Bhopal, a centrally administered princely State; the Hindi-speaking areas, popularly known as Mahakoshal; and the Chhattisgarh region of the State of Central Provinces and Berar. The tenure of the first Legislative Assembly (Vidhan Sabha) was very brief; it lasted from 1 November, 1956 to 5 March, 1957. The first general election to the Legislative Assembly after the reorganisation was held in 1957 and the Assembly was constituted on 1 April, 1957.

STRUCTURE OF LEGISLATURE

The structure of the State Legislature is unicameral. Initially the total strength of membership of the Legislative Assembly (Vidhan Sabha) was 288 which has now been raised to 320, plus one nominated member. The details of the tenure of the Madhya Pradesh Vidhan Sabha so far are given in Table 1 below:

Table 1

S.No.	Vidhan Sabha	Tenure From	To
1.	First	1.11.1956	5.3.1957
2.	Second	1.4.1957	7.3.1962
3.	Third	7.3.1962	1.3.1967

← State Legislature Building, Madhya Pradesh.

S.No.	Vidhan Sabha	Tenure	
		From	To
4.	Fourth	1.3.1967	17.3.1972
5.	Fifth	17.3.1972	30.4.1977
6.	Sixth	23.6.1977	17.2.1980
7.	Seventh	7.3.1980	10.3.1985
8.	Eighth	25.3.1985	3.3.1990
9.	Ninth	5.3.1990	till date

Party whips: Different political parties in the Vidhan Sabha have their own party whips in the House. The main role of the party whips is to manage their party in relation to House business and with the Presiding Officers in respect of their legislative duties.

Leader of the Opposition: The Leader of the Opposition Party in the Legislative Assembly having the largest numerical strength but not less than ten per cent of the total strength of the House is recognised by the Speaker as the Leader of the Opposition. He is entitled to receive a salary of Rs. 1,750/- p.m. and Rs. 250/- p.m. as sumptuary allowance. He is provided with free furnished residence at Bhopal. For conveyance, he is provided with a motor car along with two chauffeurs and petrol up to the maximum limit of 350 litres per month. Besides, medical facilities for self and members of his family are provided as per rules applicable to a member of the All India Services. In status he is equivalent to a Cabinet Minister in the States.

Oath / Affirmation: Every member, after his election to the Vidhan Sabha and before the sitting or voting as a member of the Vidhan Sabha, has to make and subscribe an oath or affirmation in accordance with the form prescribed. A member who has not already made and subscribed an oath or affirmation, in pursuance of Article 188 of the Constitution, may do so at the commencement of a sitting of the House, or at any other time of the sitting of the House, as the Speaker may direct, on any day after giving previous notice in writing to the Secretary.

Salary and Other Facilities: Every member is entitled to get a salary of Rs. 1,000/- p.m. and Constituency allowance of Rs. 1,250/- p.m. A member is also paid Rs. 1,200/- p.m. for telephone and Rs. 600/- p.m.

as medical allowance. A member is entitled to a daily allowance at the rate of Rs. 75/- per day within the State and Rs. 100/- per day outside the State. Every member along with his/her spouse is provided with free transport by the State Transport Undertaking on any route within the State of Madhya Pradesh. Every member is also provided with free second AC/first class railway coupons for self and a companion for journey up to 6,000 kms outside the State per annum. Besides, a member is entitled to the following facilities:

(a) If the place of residence of a member is at a distance of more than 8 km from Bhopal and the member for the purpose of attending the session or the meeting at Bhopal or for going back to his place of residence therefrom performs a journey in his own motor car he shall, for the journey performed be entitled to a Travelling Allowance of Rs. 2/- per km.

(b) Every member is entitled to be reimbursed the air fare to the extent of an amount equal to two first class railway fares if he travels by air to attend the sessions and committee meetings.

(c) Members are entitled to incidental charges for journey up to 700 km, one daily allowance of Rs. 75/- and exceeding 700 km two daily allowances.

(d) *Housing facilities*: Members are provided with accommodation in the M.L.As' Hostel at a concessional rent of 75 paise per day for a single room suite and Rs. 1.50 per day for a family suite and Rs. 2.50 per day for new family block. There is a House Committee to consider and advise upon all matters connected with the comfort and convenience of members of the Vidhan Sabha. The Committee consists of ten members to be nominated by the Speaker.

(e) *Medical facilities*: A medical allowance of Rs. 600/- per month is paid to every member. In addition to this, every member (not family members) is entitled to free medical treatment and to any specialised medical treatment outside the State with the previous approval of the Director of Health Services, Madhya Pradesh.

(f) *Telephone facilities*: Telephones are provided in the M.L.A's

Rest House and in the Legislature building. Members are entitled to make local calls free of charge. A telephone allowance of Rs. 1,200/- p.m. is also given to each member irrespective of the fact whether a member has a telephone at his residence or not. Members are also entitled to make local calls free of charge up to the limit of 18 per day during session periods and 10 calls per day during the inter-session period.

(g) *Research, Reference and Library facilities*: Members are provided with Research, Reference and Library facilities. References desired by Members are provided within 24 hours.

(h) *Restaurant*: A canteen facility is provided during session period at subsidised rates.

Resignation: A member who desires to resign his seat in the Vidhan Sabha may intimate in writing under his hand addressed to the Speaker, his intention to resign his seat in the form prescribed and he need not give any reason for his resignation. In case a member gives any reason or introduces any extraneous matter, the Speaker may, at his discretion, omit such words, phrases or matter and the same are not read out in the House. If a member hands over the letter of resignation to the Speaker personally and informs him that the resignation is voluntary and genuine and the Speaker has no information or knowledge to the contrary, the Speaker may accept the resignation immediately. If the Speaker receives the letter of resignation either by post or through someone else, the Speaker may make such inquiry as he thinks fit to satisfy himself that the resignation is voluntary and genuine. If the Speaker, after making a summary enquiry either himself or through the agency of the Vidhan Sabha Secretariat or through such other agency as he may deem fit, is satisfied that the resignation is not voluntary or genuine, he may not accept the resignation. The Speaker, as soon as may be, after he has accepted the resignation of a member, informs the House that the member has resigned his seat in the House and that he has accepted the resignation. When the House is not in session, the Speaker may inform the House about it immediately after it reassembles. The Secretary, as soon as may be, after the Speaker has accepted the resignation of a

member, causes the information to be published in the *Patrak* and the Gazette and forwards a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

Absence from House: A member wishing to obtain permission of the House for remaining absent from meetings thereof under Article 190 of the Constitution can make an application in writing to the Sepaker, stating the period for which he may be permitted to be absent from the meetings of the House. After the receipt of an application, the Speaker, as soon as may be, reads out the application to the House and asks: "Is it the pleasure of the House that permission be granted to such and such member for remaining absent from all meetings of the House for such and such period?" If no one dissents, the Speaker says: "Permission to remain absent is granted." But if any dissentient voice is heard, the Speaker takes the sense of the House and thereupon declares the decision of the House. The Secretary, as soon as may be, after a decision has been signified by the House, communicates it to the member. If for a period of sixty days a member is without permission of the House absent from all meetings thereof, the House may declare his seat vacant. But in computing the said period of sixty days, no account is taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

Withdrawal and Suspension of members: The Speaker may direct any member, whose conduct is in his opinion grossly disorderly, to withdraw immediately from the House, and any member so ordered to withdraw has to do so forthwith and absent himself during the remainder of the day's meeting. The Speaker may, if he deems it necessary, name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof. If a member is so named by the Speaker, he forthwith puts the question that the member (naming him) be suspended from the service of the House during the remainder of the session. A member so suspended has to quit forthwith the precincts of the House.

SESSIONS AND SITTINGS

The Governor from time to time summons the Vidhan Sabha to mee

at such time and place as he thinks fit, but six months must not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

Issue of Summons: When the Vidhan Sabha is summoned under Article 174(1) of the Constitution, the Secretary issues an invitation to each member specifying the date and place for a session of the House. When a session is called up on short notice or in emergency, the announcement of the date and place of the session are published in the *Rajpatra* and in the newspapers and the members are intimated telegraphically. An announcement is also made on the Radio although it may be that invitations are not sent to each member individually.

A session of the House commences on the date specified in the Order of the Governor under Article 174(1) of the Constitution and terminates on the date of the order of the Governor proroguing the House under Article 174(2)(a) of the Constitution. Provided that the business may be concluded on the day which is determined to be the last sitting of the House fixed for the session by the Speaker after consultation with the Leader of the House.

Secret Session: On a request by the Leader of the House, the Speaker may fix a day or part thereof for sitting of the House in secret. When the Assembly sits in secret, no stranger is permitted to be present in the Chamber, Lobby or Galleries. The Speaker may cause a report of the proceedings of the secret sitting to be issued in such manner as he thinks fit, but no other person present can keep a note or record of any proceedings or discussions of a secret sitting, whether in part or full, or issue any report of, or purpose to describe such proceedings. The procedure in all other respects in connection with the secret sitting shall be in accordance with such directions as the Speaker may give.

BUSINESS OF THE HOUSE

Order of Business: The Speaker, after consultation with the Leader of the House, allots as many days as are necessary for the transaction of Government business and of private members' business. On the days allotted for the transaction of Government business that business has precedence, and the Secretary arranges that business in such order as

the Speaker, after consultation with the Leader of the House, may determine. But such order of business is not to be varied on the day that business is set down for disposal unless the Speaker is satisfied that there is sufficient ground for such variation and also that any Government business which is under discussion at the end of a day is set down for the next day allotted to business of that class, and has precedence over all other business set down for that day unless the Speaker otherwise directs under the immediately preceding proviso or otherwise.

Business Advisory Committee: At the commencement of the House, or from time to time, as the case may be, the Speaker may nominate the Business Advisory Committee. It consists of not more than fifteen members including the Speaker who is the Chairman of the Committee. The Committee holds office for one year. The functions of the Committee are to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other Government business as the Speaker, in consultation with the Leader of the House, may direct for being referred to the Committee.

List of Business: A list of business for the day is prepared by the Secretary, and copy thereof is made available for the use of every member. No business not included in the List of Business for the day is transacted at any meeting without the leave of the Speaker. Unless the Speaker otherwise directs, not more than three resolutions in addition to any resolution which is outstanding under the proviso to Rule 26 can be set down in the List of Business for any day allotted for the disposal of private members' resolutions.

Private Members' Business: The last two and a half hours of a sitting on Friday are allotted for the transaction of private members' business. The Speaker may allot different Fridays for the disposal of different classes of such business and on Fridays so allotted for any particular class of business, business of that class shall have precedence. The Speaker may, in consultation with the Leader of the House, allot any day other than a Friday for the transaction of private members' business. All private members' business appointed for any day stands over until the next day of the session available for business of the class to which it belongs, or until such other day in the session, so available,

as the Speaker may, after a fresh ballot or otherwise, direct. Any business which is under discussion at the end of that day is set down for the next day allotted to business of that class, and it will have precedence over all other business set down for that day.

There is a Committee on Private Members' Bills and Resolutions nominated by the Speaker. It consists of not more than ten members. The Committee holds office for a term not exceeding one year. The Committee recommends the time that should be allocated for the discussion of the stage or stages of each private member's bill and also to indicate in the time-table so drawn up different hours at which the various stages of the Bill on a day shall be completed. It examines every private members' Bill which is opposed in the House on the ground that the Bill initiates legislation outside the legislative competence of the House, and the Speaker considers such objection *prima facie* tenable. It also recommends time for the discussion of private members' resolutions and other ancillary matters.

Rules of Debate: A member desiring to make any motion or make any observation on any matter may rise from his seat and, if called upon by the Speaker, address his remarks to the Speaker. If he is not called upon by the Speaker, he then resumes his seat. If at any time, while a member is speaking, another member rises on a point of order, the member speaking shall resume his seat. Whenever the Speaker rises he shall be heard in silence and any member who is then speaking or offering to speak shall immediately sit down. No member may enter the House or leave his seat while the Speaker is addressing the House. A member while speaking shall not —

(i) refer to any matter of fact on which judicial decision is pending;
(ii) make a personal charge against a member;
(iii) use offensive expressions about the conduct of proceedings of Parliament or any State Legislature;
(iv) reflect on any determination of the House except on a motion for rescinding it;

(v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms;
(vi) utter treasonable, seditious or defamatory words;
(vii) use his right of speech for the purpose of obstructing the business of the House; and
(viii) question any ruling, order or direction of the Speaker except on a motion for the removal of the Speaker.

No allegation of a defamatory or indiscriminatory nature shall be made in a debate by a member against any person unless the member has, one day before taking part in the debate, given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of reply. The Speaker may, at any time, prohibit the member from making any such allegation if he is of the opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation. When for the purpose of explanation during discussion or for any other sufficient reason, any member has objection to a question of another member on any matter, then under the consideration of the House, he can ask the question through the Speaker.

The Speaker, after having called the attention of the House to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in the debate, may direct him to discontinue his speech. A member may, with the permission of the Speaker, make a personal explanation although there is no question before the House, but in this case, no debatable matter may be brought forward, and no debate shall arise.

Voting procedure: Vote may be taken by division, if any member so desires. The Speaker determines the method of taking votes by division. The result of a division is announced by the Speaker and is not to be challenged. A member can not speak on a question after the Speaker has collected the voices both of the 'Ayes' and of the 'Noes' on that question.

Procedure: Subject to the provisions of Articles 210 and 345 of the Constitution, the business of the House is transacted in Hindi. The Secretary causes to prepare a full report of the proceedings of the Vidhan Sabha at each of its meetings, and as soon as practicable, publishes it in such form and manner as the Speaker may, from time to time, direct. If the Speaker is of the opinion that words have been used in the debate which—

(a) are indecent; or
(b) contain any offensive expression about either House of Parliament or a House of State Legislature or any Committee thereof; or
(c) contain any such expression with regard to the conduct of any member of such House;

the Speaker may, in his discretion, order that such words be expunged from the proceedings of the House. The portions of the proceedings of the House so expunged are marked by an asterisk and an explanatory footnote is inserted in the proceedings as "expunged as ordered by the Chair".

The title of the published debates is '*Madhya Pradesh Vidhan Sabha ki Karya Vahi*' (*Adhikrut Vivran*). *Patrak Bhag-I*, that is, Bulletin-I contains the summary of the debate and is circulated among the members. A verbatim record of the proceedings of the House is maintained. Manuscripts of the speeches delivered in the House are sent to each member with a request to return the same within the prescribed period after confirmation. In case the script is not returned within the appointed time, the reporter's version is considered as final. Soon after the verbatim proceedings of the House are edited, they are set for printing. On receipt of the printed proceedings, a copy thereof is distributed by Notice Office to each member free of charge. Additional copies of any back issues can be had on payment as per rules. A member desiring to obtain a certified copy of any particular speech, statement, ruling, reply to a question or any other part of the day's proceedings or an extract thereof, may be given such a copy after the lapse of the time allowed for corrections by the members. The charges

payable for the certified copy are the same as are for the time being in force for the grant of certified copies by Civil Courts in the State. If a member or other person wants only a copy of any speech, ruling, statement, reply to a question or an extract of the proceedings of the House, a copy marked "Uncorrected—not for publication" may be supplied after the speech etc., is sent to the member for correction and such copy may be charged at the rate of Re. 1.00 per page or part thereof. If a member wants to refer to the proceedings of any day, he may refer to the reporter's copy.

PRESIDING OFFICERS

At the beginning of a new Vidhan Sabha or when for any reason the office of the Speaker is vacant, the Governor fixes a date for the holding of election, and the Secretary sends to every member notice of the date fixed. At any time before noon on the day preceding the date so fixed, any member may give notice in writing, addressed to the Secretary of a motion that another member be chosen as the Speaker of the House, and the notice is required to be seconded by a third member and is to be accompanied by a statement of the member whose name is proposed in the notice that he is willing to serve as Speaker, if elected. A member cannot propose his own name or second a motion proposing his own name, or propose or second more than one motion. A member in whose name a motion stands on the List of Business may, when called, move the motion or withdraw the motion, and he shall confine himself to a mere statement to that effect.

The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved, and decided, if necessary, by division. If any motion is carried, the person presiding shall, without putting later motions, declare that the member proposed in the motion, which has been carried, has been chosen as the Speaker of the House.

The election of Deputy Speaker, following the general election or when a vacancy occurs, is held on a date fixed by the Speaker. The procedure followed for the election of Deputy Speaker is the same as that of the Speaker.

At the commencement of every session or from time to time, as the case may be, the Speaker nominates from amongst the members of the Vidhan Sabha a panel of not more than four Chairmen, any one of whom may preside over the Vidhan Sabha in the absence of the Speaker or the Deputy Speaker. The members of the panel of Chairmen nominated, shall hold office until a new panel of Chairmen has been nominated.

The Speaker presides over the Vidhan Sabha session and guides the transaction of business of the House. Besides, he has the power to preserve order in the House and powers necessary for the purpose of enforcing his decision. He is the Head and guardian of the Vidhan Sabha Secretariat.

The Speaker and the Deputy Speaker, once elected, can be removed from office. A member wishing to give notice of a resolution under clause (c) of Article 179 of the Constitution for the removal of the Speaker or the Deputy Speaker can do so in writing to the Secretary. On receipt of a notice, a motion for leave to move the resolution is entered in the List of Business in the name of the member concerned, on a day fixed by the Speaker provided that the day so fixed may be any day after fourteen days from the date of the receipt of notice of the resolution. Subject to the provisions of Article 181 of the Constitution, he shall preside when a motion under Rule 145(2) is taken up for consideration. The member in whose name the motion stands in the List of Business may, except when he wishes to withdraw it, move the motion when called upon to do so, but no speech may be permitted at this stage. The Speaker or the Deputy Speaker or the person presiding, as the case may be, shall thereupon place the motion before the House and request those members who are in favour of leave being granted, to rise in their places. If not less than one-tenth of the total number of members rise accordingly, the Speaker or the Deputy Speaker or the person presiding, as the case may be, shall say that leave be granted and that the resolution will be taken up on such day, not being more than ten days from the date on which the leave is asked or, as he may appoint. If less than the required number of members rise, the Speaker or the Deputy Speaker or the person presiding, as the case may be, has to inform the member that he has not the leave of the House. On the appointed day the resolution is included in the List of Business.

The names of the Speakers and Deputy Speakers of the Vidhan Sabha are given in Tables 2 and 3 with their tenure:

Table 2: Statement Showing the Names and Tenure of Speakers

Name	Tenure	
	From	To
Pandit Kunji Lal Dubey	1.11.1956	7.3.1967
Shri Kashi Prasad Pandey	24.3.1967	24.3.1972
Shri Tej Lal Tembhare	25.3.1972	10.8.1972
Shri Gulsher Ahmed	14.8.1972	14.7.1977
Shri M.S. Nevalkar	15.7.1977	2.7.1980
Shri Yagyadutta Sharma	3.7.1980	19.7.1983
Shri Ramkishore Shukla	5.3.1984	13.3.1985
Shri Rajendra Prasad Shukla	25.3.1985	19.3.1990
Prof. Brij Mohan Mishra	20.3.1990	till date

Table 3: Statement Showing the Names and Tenure of Deputy Speakers

Name	Tenure	
	From	To
Shri V.V. Sarvate	24.12.1956	5.3.1957
Shri Anant Sadashiv Patwardhan	3.12.1957	7.3.1962
Shri Narbada Prasad Shrivastava	4.7.1962	28.2.1967
Shri Ram Kishore Shukla	26.2.1968	16.3.1972
Shri Narayan Prasad Shukla	28.7.1972	7.1.1976
Shri Sawaimal Jain	10.3.1976	30.4.1977
Shri Ramchandra Maheshwari	1.9.1978	17.2.1980
Shri Ram Kishore Shukla	16.9.1980	3.3.1984
Shri Pyarelal Kanwar	6.4.1984	9.3.1985
Shri Kanhaiya Lal Yadav	12.3.1986	3.3.1990
Shri Shriniwas Tiwari	23.3.1990	till date

PROCESS OF LEGISLATION

The legislative process starts with the introduction of a Bill in the Vidhan Sabha. The Speaker, on a request being made to him, may order the publication of any Bill (together with the Statement of Objects and Reasons, the memorandum regarding delegation of legislative power and the financial memorandum accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case, it is not necessary to move for leave to introduce the Bill.

A Bill can be introduced either by a Minister or a private member. When a Bill is introduced by a Minister, it is called a 'Government Bill' and in the case when it is introduced by a private member, it is called a 'Private Member's Bill.'

As per Rules of Procedure and Conduct of Business in the Madhya Pradesh Vidhan Sabha, the different stages of legislative process are:

(a) Introduction and Publication of Bills,
(b) Motions after Introduction of Bills,
(c) Amendments to clauses, etc. and consideration of Bills,
(d) Passing and Authentication of Bills.

Any member, other than a Minister, desiring to move for leave to introduce a Bill, can give notice of his intention, and should together with the notice, submit a copy of the Bill and an explanatory statement of Objects and Reasons which shall not contain any argument.

When a Bill is introduced or on some subsequent occasion, the member-in-charge may make one of the following motions in regard to the Bill, namely:

(a) that it be taken into consideration, or
(b) that it be referred to a Select Committee or
(c) that it be circulated for the purpose of eliciting opinion thereon.

No such motion is made until after copies of the Bill are made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill are so made available for two days before the day on which the motion is made, or in the case of a motion made on the first day of the session after an intervening recess of not more than seven days on the last day immediately before such recess.

From time to time, certain Bills are referred to Select Committees. The Select Committee on a Bill consists of not less than eight or more than fifteen members. The member-in-charge of the Bill and the Minister of Law are the members of every Select Committee, and it is not necessary to include their names in any motion for appointment of such a Committee. The other members of the Committee are appointed by the House when a motion that the Bill be referred to a Select Committee is made, or a motion is made by way of amendment of Rule 67(2)(a).

After the presentation of the final report of the Select Committee on a Bill, the member in charge may move —

(i) that the Bill, as reported by the Select Committee be taken into consideration:
Provided that any member of the Vidhan Sabha may object to its being taken into consideration if copies of the report have not been made available for the use of members before two days, and such objection prevails, unless the Speaker in the exercise of his power to suspend Rule 76, allows the report to be taken into consideration; or

(ii) that Bill, as reported by the Select Committee, be re-committed either —

(a) without limitation, or
(b) with respect to particular clauses or amendments only, or
(c) with instructions to the Select Committee to make some particular or additional provision in the Bill, or

(iii) that the Bill as reported by the Select Committee be circulated for the purpose of obtaining opinion thereon or recirculated for the purpose of obtaining further opinion thereon.

If the member-in-charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be re-committed or circulated for the purpose of obtaining further opinion thereon. The debate on a motion that the Bill as reported by the Select Committee be taken into consideration is confined to consideration of the report of the Select Committee and the matters referred to in that report of any alternative suggestions consistent with the principle of the Bill.

After the amendments to clauses, if any, the consideration of the Bill, clause by clause, is taken up by the House. It shall be in the discretion of the Speaker when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Vidhan Sabha clause by clause. When this procedure is adopted, the Speaker calls each clause separately and when the amendments relating to it have been dealt with, puts the question: "That this clause (or, that this clause as amended, as the case may be) stand part of the Bill".

The consideration of the Schedule or Schedules, if any, follows the consideration of clauses.

Clause one, the enacting formula, the preamble, if any, and the title of Bill, all stand postponed until the other clauses and schedules (including new clauses and new Schedules) have been disposed of and the Speaker then puts the question, 'That clause one or the enacting formula, or the preamble or title (or, that clause one, enacting formula, preamble or title as amended, as the case may be) do stand part of the Bill."

The next stage is the passing and authentication of Bills. When a Bill is passed by the Vidhan Sabha, the Secretary, if necessary, renumbers the clauses, revises and completes the marginal notes thereof and makes such purely formal or consequential amendments therein as may be required, and three copies of the Bill to be reserved

for the consideration of the President and two copies of the Bill to be sent for the assent of the Governor, are submitted to the Speaker and are signed by him. In the case of the absence of the Speaker from Bhopal, the Secretary may, in case of urgency, authenticate a Bill on behalf of the Speaker. A copy of the Bill assented to by the Governor or President is kept in safe custody for verification and record and cannot be removed from the custody of the Assembly without the permission of the Speaker.

When a Bill passed by the House is returned to the House by the Governor with a message requesting that the House should reconsider the Bill or any specified provisions thereof or any such amendments as are recommended in his message, the Speaker reads the message of the Governor in the House, if in session, or if the House is not in session, directs that it may be published in the *Patrak* for the information of the members. The Bill as passed by the House and returned by the Governor for reconsideration is thereafter laid on the Table. On the day on which the motion for consideration is set down in the List of Business which, unless the Speaker otherwise directs, should not be less than two days from the receipt of the notice, the member giving notice may move that the amendments may be taken into consideration. The debate on such a motion is confined to consideration of matters referred to in the message of the Governor or to any suggestion relevant to the subject matter of the amendments recommended by the Governor. If the motion that the amendments recommended by the Governor be taken into consideration is carried, the Speaker puts the amendments to the House in such manner as he thinks most convenient for their consideration. When all amendments are disposed of, the member giving notice of the motion under Rule 92 may move that the Bill as originally passed by the House be passed again or passed again as amended, as the case may be. If the motion that the amendments by the Governor be taken into consideration is not carried, the member giving notice of the motion under Rule 92 may at once move that the Bill as originally passed by the House be passed again without amendment. When a Bill is passed again by the House, and is in possession of the House, the Bill is signed by the Speaker and presented to the Governor in the following form:

> "The above Bill has been passed again by the House in pursuance of proviso to Article 200 of the Constitution."

Ratification of Amendment to the Constitution: On receipt of a communication or message for ratification of the amendment to the Constitution, the same along with a copy of the Bill and the debates thereof is laid on the Table of the House. The Speaker, in consultation with the Leader of the House, fixes a date for discussion thereon. The Rules and others relating to discussion of a resolution are applied *mutatis mutandis* to the discussion of such resolution. A copy of the resolution passed by the Vidhan Sabha is sent by the Secretary to the Government and to Parliament; in case the resolution is not passed, an intimation to that effect is sent.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

Question Hour: Unless the Speaker otherwise directs, the first hour of every sitting is available for asking and answering of questions. A member who wishes to ask a question has to give twenty-five days' clear notice of such question and should give therein the official designation of the Minister to whom it is addressed, and the date which the member proposes for placing it on the list for answer. Unless the Speaker otherwise directs, no question can be placed on the list of questions for answer until fourteen days have expired from the time when notice of such question has been given to Government by the Secretary. No member can give notice of more than four questions for answer, oral or written, for any one day of which any two may be distinguished by an asterisk by the member concerned for which an oral answer is desired. Such questions are called 'Starred Questions'. Questions not so distinguished are printed in the list of questions for written answer. Such questions are called 'Unstarred Questions'. If any question placed on the list of questions for oral answer on any day is not called for answer within the time available for answering questions on that day, the question is treated as a question set down for written answer and no supplementary is asked in respect thereof.

No discussion is permitted in respect of any question or of any answer given to a question.

The third type of question asked in the House is 'Short Notice Question'. A question relating to a matter of public importance may be asked with shorter notice than twenty-five clear days and if the Speaker is of opinion that the question is of an urgent character he may direct that an enquiry may be made from the Minister concerned if he is in a position to reply and if so, on what date. If the Minister concerned agrees to reply, such question is answered on a day to be indicated by him and is called immediately after the questions which have appeared on the list of questions for oral answer have been diposed of. If the Minister is unable to answer the question at short notice and the Speaker is of the opinion that the question is of sufficient public importance to be orally answered in the House, he may direct that the questions be placed as the first question on the list of questions for the day on which it would be due for answer under Rule 29. But not more than one such question is accorded first priority on the list of questions for any one day.

Half-an-Hour Discussion: The Speaker allots half-an-hour before the scheduled time for the close of business of the last two working days of each week of the session for raising discussion on a matter of sufficient public importance which has been the subject of a question in the current session or in the immediately preceding session of the House and the elucidation of the answer regarding any material fact is necessary irrespective of the fact whether the question was answered orally or the answer was laid on the Table of the House. If the other business set down for the day is concluded earlier than half-an-hour before the scheduled time, the period of half-an-hour commences from the time such other business is concluded. The Speaker may allot any day instead of such last three working days if such a course is, in his opinion, necessary or convenient. A member wishing to raise a matter can give notice in writing to the Secretary two days in advance of the day on which the matter is desired to be raised, and should briefly specify the point or points that he wishes to raise. The notice should be accompanied by an explanatory note stating the reasons for raising discussion on the matter in question. The notice should also be supported by the signature of at least two

other members. The Speaker decides whether the matter is of sufficient public importance to be put down for discussion and may not admit a notice which, in his opinion, seeks to revise the policy of the Government.

If more than two notices have been received and admitted by the Speaker, the Secretary holds a ballot with a view to drawing two notices, and the notices are then put down in the order in which they were received in point of time. If any matter put down for discussion on a particular day is not disposed of on that day, it is not set down for any further day, unless the member so desires in which case it is included in the ballot for the next available day. There is no formal motion before the House nor voting. The member who has given notice may make a brief statement and the Minister concerned may reply briefly. Any member who has previously intimated to the Speaker may be permitted to put a question for the purpose of further elucidating any matter of fact.

Motion of No-confidence: A motion expressing want of confidence in the Council of Ministers may be made subject to the restriction that leave to make the motion must be asked for by the member when called by the Speaker, and the member asking for leave must, before the commencement of the sitting of the day, leave with the Secretary a written notice of the motion which he proposes to move. If leave is granted, the Speaker may, after considering the state of business in the House, allot a day for the discussion of the motion. The member communicates in writing to the Secretary before the appointed time, the charges to be levelled during the course of discussion by the member or members who give the notice of the motion, as the case may be. At the appointed hour on the allotted day the Speaker forthwith puts every question necessary to determine the decision of the House on the motion. The Speaker may, if he thinks fit, prescribe a time-limit for speeches.

Adjournment Motions: A motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker. The notice of an adjournment motion may be given not less than two hours before the commencement of the sitting on the day on which the motion

is proposed to be made by delivering three copies thereof to the Secretary or to the officer authorised by him, for each of the following:

(i) the Speaker,
(ii) the Minister concerned, and
(iii) the Secretary.

The Speaker, if he gives consent and holds that the matter proposed to be discussed is in order, calls the member concerned, who has to rise in his place and ask for leave to move the adjournment of the House. Where the Speaker has refused his consent or is of opinion that the matter proposed to be discussed is not in order he may, if he thinks it necessary, read the notice of the motion and state reasons for refusing consent or holding the motion as not being in order. If the Speaker is not in possession of full facts about the matter mentioned therein, he may, before giving or refusing his consent, read the notice of the motion and hear from the Minister and/or members concerned a brief statement on facts and then give his decision on the admissibility of the motion. If objection to leave being granted is taken, the Speaker may request those members who are in favour of leave being granted to rise in their places, and if the number of members rising accordingly is not less than the number of members required to constitute the quorum for the time being, the Speaker intimates that the leave is granted. If less than the number of members aforesaid rise, the Speaker may inform the member that he has not the leave of the House. The motion is taken up at 3 p.m. or if the Speaker, after consultation with the Leader of the House so directs, at any earlier hour at which the business of the day may terminate. If the debate on a motion for adjournment is not earlier concluded, it is automatically terminated on the expiration of two hours from the time the discussion begins, and thereafter no question can be put. No speech during the debate can, except with the permission of the Speaker, exceed fifteen minutes in duration.

Calling Attention Notices: A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of current public importance and the Minister may make a brief

statement or ask for time to make a statement at a later hour or date. No member can give more than two such notices for any one sitting. There may be no debate on such statement at the time it is made but each member in whose name the item stands in the List of Business may, with the permission of the Speaker, ask a question, provided that names of not more than five members are shown in the List of Business. Not more than two such matters can be raised at the same sitting. In the event of more than one matter being presented for the same day, priority is given to the matter which is in the opinion of the Speaker, more urgent and important. The proposed matter is raised after the questions and before the list of business is entered upon and at no other time during the sitting of the House. All the notices which have not been taken up at the sitting for which they have been given shall lapse at the end of the sitting unless the Speaker has admitted any of them for a subsequent sitting.

Private Members' Resolutions: A member, other than a Minister, who wishes to move a resolution relating to a matter of general public interest, can give notice of the resolution fifteen clear days before the first day allotted for resolutions, and has to submit together with the notice, a copy of the resolution which he wishes to move. The Speaker may allow the resolution to be entered in the List of Business with shorter notice than fifteen days. No member, unless he has obtained the special permission of the Speaker, may be permitted to give notice of more than three resolutions for one session of the Vidhan Sabha.

A resolution may be in the form of a declaration of opinion, or a recommendation or may be in the form so as to record either approval or disapproval by the House of an act of policy of Government, or convey a message or command, urge or request an action or call attention to a matter or situation for consideration by Government, or may be in such other form as the Speaker may consider appropriate. In order that a resolution may be admissible, it should satisfy the following conditions:

(i) it shall be clearly and precisely expressed, and shall raise substantially one definite issue;

(ii) it shall not contain arguments, inferences, imputations, ironical expressions or defamatory statements;
(iii) it shall not refer to any matter of the fact on which a judicial decision is pending or to a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into or investigate the matter;
(iv) it shall not refer to the character or conduct of any person except in his official or public capacity; and
(v) it shall not refer to the conduct of any judge of the Supreme Court or a High Court in the discharge of his duties.

Governor's Address: As per Article 176(1) of the Constitution the Governor addresses the House at the commencement of the first session after each general election and at the commencement of the first session each year. The Speaker fixes the time for discussion on the Governor's Address. The members can discuss all matters contained in the Address on a Motion of Thanks to be moved in the House. Amendments to the motion can also be tabled by a date to be fixed by the Speaker. The discussion on the Address may be postponed in favour of a Government Bill or other Government business. On a motion being made that the discussion on the Address be adjourned to a subsequent day, to be appointed by the Speaker, the Speaker may forthwith put the question, no amendment or debate being allowed. The Chief Minister or any other Minister, whether he has previously taken part in the discussion or not, on behalf of the Government, have a general right of explaining the position of the Government at the end of the discussion.

Petitions: Every petition is addressed to the Vidhan Sabha and it concludes with a prayer reciting the definite object of the petitioners in regard to the matter to which it relates. Every petition is required to be couched in respectful and temperate language. Letters, affidavits or other documents are not attached to any petition. Every petition if presented by a member, is required to be countersigned by him. Every petition after presentation by a member or report by the Secretary, as the case may be, and any petition received when the Vidhan Sabha is

not in session, if so directed by the Speaker, is referred to the Committee on Petitions. The Committee on Petitions is nominated by the Speaker and it consists of not more than fifteen members. The Committee examines every petition referred to it and if the petition complies with the rules, the Committee may in its discretion direct that it be circulated. Where circulation of the petition has not been directed, the Speaker may at any time direct that the petition be circulated. The circulation of the petition may be *in extenso* or in the form of a summary thereof as the Committee or the Speaker, as the case may be, may direct.

BUDGET IN LEGISLATURE

The Budget: It is the annual financial statement or the statement of the estimated receipt and expenditure of the Government of the State in respect of each financial year. It is presented to the Vidhan Sabha on such day as the Governor may direct. There is no discussion of the Budget on the day on which it is presented to the House.

The general discussion on the Budget takes place on a day to be appointed by the Speaker subsequent to the day on which the Budget is presented and for such time as the Speaker may allot for the purpose, and the Vidhan Sabha is at liberty to discuss the Budget as a whole or any question of principle involved therein. At this stage no motion can be moved nor can the Budget be submitted to the vote of the House. The Finance Minister has a general right of reply at the end of the discussion.

After general discussion on the Budget, voting of grants is taken up in the House. A separate demand is ordinarily made in respect of the grant proposed for each department of the Government. The Finance Minister may include in one demand grants proposed for two or more departments or make a demand in respect of expenditure which cannot readily be classified under any particular department. Each demand contains firstly, a statement of the total grant proposed and then, so far as practicable, a statement of detailed estimate under each grant divided into items. The Speaker, after consultation with the Leader of the House, allots as many days as may be compatible with

the public interest for the discussion on voting of demands for grants. On the last day of the allotted days, at 4 o' clock, or at such other hour as the Speaker may fix in advance, the Speaker may forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants. Motions may be moved to reduce any grant. No amendments to motions to reduce any grant are permissible. When several motions relating to the same demand are offered, they are discussed in the order in which the heads to which they relate, appear in the Budget. If notice of a motion to reduce any grant has not been given four clear days before the first day allotted for the voting of demands for grants, any member may object to the moving of the motion, and such objection may prevail unless the Speaker allows the motion to be made.

Vote on Account: A motion for vote on account states the total sum required and the various amounts needed for each department or item of expenditure which compose that sum are stated in a schedule appended to the motion. Amendments may be moved for the reduction of the whole grants or for the reduction or omission of the items whereof the grant is composed. Discussion of a general character is allowed on the motion or amendment moved thereof, but the details of the grant may not be discussed further than necessary to develop the general points.

***Appropriation Bill*: Subject to the provisions of the Constitution, the procedure in regard to an Appropriation Bill is the same as for Bills generally with such modifications as the Speaker may consider necessary. At any time after the introduction in the House of an Appropriation Bill, the Speaker may allot a day or days jointly or severally for the completion of all or any of the stages involved in the passage of the Bill. When such allotment has been made, the Speaker shall, at 5 o'clock on the allotted day or, as the case may be, the last of the allotted days, forthwith put every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the day or days have been allotted. The debate on the Appropriation Bill is restricted to matters of public importance or administrative policy implied in the grants covered by the Bill which have not already been raised while the relevant demands for grants were under discussion. If any Appropriation Bill is in pursuance of a supplementary

grant in respect of an existing service, the discussion is confined to the items constituting the same, and no discussion can be raised on the original grant nor the policy underlying it save insofar as it may be necessary to explain or illustrate a particular item under discussion.

Supplementary / Excess Grants: Supplementary, additional, excess and exceptional grants and notes of credit are regulated by the same procedure as is applicable in the case of demands for grants subject to such adaptations, whether by way of modifications, addition or omission as the Speaker may deem to be necessary or expedient. The debate on the supplementary grants is confined to the items stating the same and no discussion may be raised on the original grant nor policy underlying them, save insofar as it may be necessary to explain or illustrate the particular item under discussion.

LEGISLATIVE COMMITTEES

As per parliamentary practice, a comprehensive Committee system exists in the Vidhan Sabha. There are two types of Committees—

(i) Standing Committees which are permanent in nature and are contituted from time to time; and
(ii) *Ad hoc* Committees which are appointed for a specific purpose and cease to exist when they finish the work assigned to them and submit their reports.

The House, or from time to time, as the case may be, the Speaker may nominate the following Committees consisting of not more than the number of members indicated within brackets.

(1) Business Advisory Committee (15)
(2) Committee on Private Members' Bills and Resolutions (10)
(3) Committee on Petitions (15)
(4) Committee on Delegated Legislation (10)
(5) Committee on Public Accounts (15)
(6) Committee on Estimates (15)

(7) Committee on Public Undertakings (15)
(8) Committee on Government Assurances (10)
(9) Committee on Privileges (10)
(10) Rules Committee (15)
(11) House Committee (10
(12) Library Committee as determined by the Speaker from time to time.
(13) General Purposes Committee (25)
(14) Committee on the Welfare of Scheduled Castes and Scheduled Tribes (15) (Elected by the House)
(15) Committee relating to the examination of the papers put up on the Table (10)
(16) Committee on the Welfare of Women and Children (15)
(17) Committee on Questions and References (10)
(18) Special Committee (7)
(19) Press Gallery Advisory Committee (21)

The members of the Committee are appointed or elected by the House on a motion made, or nominated by the Speaker, as the case may be. No member is appointed to a Committee if he is not willing to serve on it. Except in the case of a Select Committee constituted under Rule 68 or any other Committee for which the term of office is expressly provided for, the term of office of members of every Legislative Committee is one year from the date of the Constitution of the Committee, provided that the outgoing members continue in office until their successors have been duly elected or nominated. The Chairman of the Committee is appointed by the Speaker from amongst the members of the Committee. If the Deputy Speaker is a member of any Committee, he is appointed Chairman of that Committee. The quorum to constitute a meeting of the Committee is, as near as may be, one-third of the total number of members. The report of a Committee is presented to the House by the Chairman or, in his absence, by any member of the Committee. In presenting the report, the Chairman or, in his absence, the member presenting the report, if he makes any remarks, has to confine himself to a brief statement of fact, but there can be no debate on that statement.

Standing Financial Committees: There are three Financial Committees of the Vidhan Sabha, *viz.*: (i) Committee on Public Accounts, (ii) Committee on Estimates, and (iii) Committee on Public Undertakings. These Committees keep a constant vigil on the Government. Each Committee consists of not more than fifteen members who are elected by the Vidhan Sabha from amongst its members according to the principle of proportional representation by means of the single transferable vote. The term of office of members of the Committee on Public Accounts and the Committee on Estimates is the financial year for which the Committee is constituted. The term of office of members of the Committee on Public Undertakings does not exceed one year. The members of the Committee on Public Undertakings, constituted for the first time, hold office for a period of three years from the date of the constitution of the Committee. A Minister is not elected as a member of the Committee and if a member, after his election to the Committee, is appointed a Minister, he ceases to be a member of the Committee from the date of such appointment.

Committee on Public Accounts: In scrutinising the Appropriation Accounts of the Government and the report of the Comptroller and Auditor-General (C & AG) thereon, it is the duty of this Committee to satisfy itself —

(a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;
(b) that the expenditure conforms to the authority which governs it; and
(c) that every reappropriation has been made within the amount granted for each demand under the Appropriation Act and in accordance with the rules made by the competent authority.

It is also the duty of this Committee to examine such trading, manufacturing and profit and loss accounts and balance sheets as the Governor may have required to be prepared, and the C & AG's report thereon, and to consider the report of the C & AG in cases where the

Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stock. If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee examines with reference to the facts of each case the circumstances leading to such an excess and makes such recommendation as it may deem fit.

Committee on Estimates: This Committee is for examination of such estimates as may seem fit to it or are specifically referred to it by the House or the Speaker. The functions of the Committee are —

(a) to report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates, may be effected;
(b) to suggest alternative policies in order to bring about efficiency and economy in administration;
(c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
(d) to suggest the form in which the estimates shall be presented to the Vidhan Sabha.

Committee on Public Undertakings: This Committee is set up for the examination of the working of the public undertakings specified in the Third Schedule of the Rule. The functions of the Committee are—

(a) to examine the reports and accounts of the public undertakings specified in the Third Schedule;
(b) to examine the reports, if any, of the C & AG and Accountant General on Public Undertakings;
(c) to examine, in the context of the autonomy and efficiency of the public undertakings, whether the affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices; and
(d) to exercise such other functions vested in the Committee on Public Accounts and the Committee on Estimates in relation to the public undertakings specified in the Third Schedule as are not covered by the clauses (a), (b) and (c) above and

as may be allotted to the Committee by the Speaker from time to time.

The Committee does not examine and investigate any of the following, namely:

(i) matters of major Government policy as distinct from business or commercial functions of the public undertakings;
(ii) matters of day-to-day administration; and
(iii) matters for the consideration of which machinery is established by any special statute under which a particular public undertaking is established.

To consider any discrepancies and complaints regarding the service conditions, and pay scales of the employees of the Vidhan Sabha Secretariat, a Special Purposes Committee has been set up in the State. The Leader of the Opposition is its *ex- officio* Chairman and the Secretary, Vidhan Sabha is its *ex-officio* Secretary. The Committee decides its own procedure of functioning and collects such information as it deems necessary.

The Vidhan Sabha Secretariat provides any documents, circulars and information as the Committee may require. The Committee reports to the Speaker.

The State has another Committee called Committee on Questions and References. This Committee is nominated by the Speaker for one year. The main function of this Committee is to look after those cases of Starred and Unstarred Questions, Short Notice Questions and Calling Attention Motions and Notices given under Rule 267(a), for which, in the opinion of the Speaker, adequate replies have not been furnished by the State Government.

A Committee on the Welfare of Women and Children has also been constituted to see the complaints regarding victimisation of women and children. All complaints regarding exploitation and misbehaviour against women and children are looked into by this Committee. The Committee also looks after the management of remand homes and orphanages. This Committee, nominated by the Speaker has a tenure

of two years. However, no Minister of the State can be nominated as its member, and if any member becomes Minister his membership of the Committee comes to an end from the date the person is appointed as Minister.

The Press Gallery Advisory Committee, with the Deputy Speaker as its *ex-officio* Chairman advises the Speaker regarding entry to the Press Gallery. It also advises the Speaker on other matters which are referred to it.

LEGISLATIVE PRIVILEGES

A member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member, or of the House or of a Committee thereof. A member wishing to raise a question of privilege may give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice is accompanied by the relevant document. The right to raise a question of privilege is governed by the condition that not more than one question can be raised at the same sitting, that the question is restricted to a specific matter of recent occurrence; and that the matter requires the intervention of the House. The Speaker, if he gives consent and holds that the matter proposed to be discussed is in order, may call the member concerned, who rises in his place and, while asking for leave to raise the question of privilege, makes a short statement relevant thereto. If leave is granted, the question is referred to the Committee of Privileges on a motion made by the Leader of the House or any other member to whom he may delegate his function.

Committee of Privileges: At the commencement of the Vidhan Sabha or from time to time, as the case may be, the Speaker nominates the Committee which consists of not more than ten members. The quorum of the Committee is five. The Committee holds office until a new Committee is nominated. The Committee examines every question referred to it and determines with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the

breach, the circumstances leading to it and makes such recommendations as it may deem fit.

SERVICING OF LEGISLATURE

The Vidhan Sabha has its own separate Secretariat which was constituted on 1 November 1956 at the time of the formation of the State of Madhya Pradesh. The work of the Secretariat has been divided into different branches. At present there are more than 16 branches in the Secretariat. A separate Act i.e. *M.P. Vidhan Sabha Sachivalaya Seva Adhinieum 1981*, and subsequent rules thereunder have been framed governing appointment and conditions of service of officers and employees. A special committee under the Chairmanship of the Leader of the Opposition has been constituted by the Speaker to advise him on allied subjects.

The Secretary: The Vidhan Sabha Secretariat is headed by the Secretary. He is appointed on the merit-cum-seniority basis from amongst the Additional Secretaries or on deputation from Higher Judicial Services of the State. He retires at the age of 60 years which can be extended up to two years by the Speaker. His status is equivalent to that of a Secretary of the Government Secretariat.

Table 4 gives the tenure of the seccessive Secretaries of the Vidhan Sabha.

Table 4: Successive Heads of Vidhan Sabha Secretariat

Sl.No.	Name	Tenure	
		From	To
1.	Shri K.K. Rangole	1.11.1956	14.2.1959
2.	Shri Ranghunath Singh	15.2.1959	25.5.1962
3.	Shri Madan Gopal	26.5.1962	20.11.1973
4.	Shri K.K. Gupta	21.11.1973	30.11.1979
5.	Shri Bharat Narain	1.12.1979	3.7.1980
6.	Shri K.K. Gupta	4.7.1980	7.10.1982
7.	Shri P.M. Patki	8.10.1982	31.1.1984
8.	Shri Balwant Sahai	1.12.1984	21.9.1985
9.	Shri Bharat Narain	23.9.1985	31.3.1989
10.	Shri Vishwendra Mehta	31.3.1989	till date

MAHARASHTRA

ORIGIN AND GROWTH

The genesis and growth of the Maharashtra Legislature synchronise with the constitutional development in India. Till the Charter Act of 1833, the Governor-in-Council of Bombay could make regulations and ordinances for the good government of factories or territories at first acquired in India. The Charter Act of 1833 withdrew this power and vested in the Governor-General to make laws for the entire country. Under the Charter Act, 1853, the Legislative Council, as distinguished from the Governor-General's Executive Council, was established. This proved to be a forerunner of the Legislative Council which came to be established for the Bombay Presidency under the Indian Councils Act, 1861.

Under the Indian Councils Act, 1861, Legislatures were constituted in Bombay, Madras, Bengal, North-West Provinces, Punjab, Eastern Bengal and Assam. These Provincial Legislatures consisted of four to eight members in addition to the Advocate-General of the Province, of whom half were non-officials to be nominated by the Governor. Rigid restrictions were placed upon the powers of the Legislative Councils. Thus the Legislatures were to function under severe restrictions.

The Indian Councils Act of 1892 liberalised the powers of the Legislative Councils and marked a further stage in the development of these bodies. The principle of nomination was still adhered to; but the nominated members in both the Central and Provincial Legislatures were nominated on the recommendations of various bodies. This Act widened the opportunities of non-official members for criticism, suggestion, remonstration and enquiry.

The Morley-Minto Reforms of 1909 took the stage of development still further. The principle of elective representation was for the first

— State Legislature Building, Maharashtra.

time introduced in the Indian Councils. The powers exercised by the previous Legislatures were not only continued but were further augmented.

By the Government of India Act of 1919 direct elections were introduced in the Legislatures. The provincial Councils enjoyed much larger powers than the Central Legislature in all matters excepting legislation. But, nevertheless, the Governors continued to constitute the real authority in the administration of the provinces.

The Government of India Act 1935 which envisaged a federal type of Government, gave more powers to the Central and State Legislatures, and the control and interference of the Governor-General and the Governors were, to some extent, reduced. Though the provincial autonomy provided in the Act worked successfully in the State to some extent, this Act could not satisfy the political aspirations of the people as such. In Maharashtra, the Legislative Council, as understood today as an Upper Chamber, came to be established for the first time only after the Government of India Act, 1935, came into force.

The passing of the Indian Independence Act, 1947 saw the transfer of power to the Indian people. Articles 168 to 178 of the Indian Constitution contain relevant provisions with regard to the State Legislatures.

In 1956, following the reorganisation of States on linguistic basis, the State of Bombay was formed. In 1960 the bilingual State of Bombay was bifurcated into two new States of Maharashtra and Gujarat. The present State of Maharashtra officially came into being on 1 May 1960.

STRUCTURE OF THE LEGISLATURE

The Legislature of Maharashtra consists of the Governor and the two Houses known as the Vidhan Parishad (Legislative Council) and the Vidhan Sabha (Legislative Assembly). Under the existing Provisions of the Constitution, the Legislative Council can have a maximum number of 96 members (i.e. 1/3rd of the strength of the Legislative

Assembly) though the present strength is only 78. The Legislative Assembly has 289 members including a nominated member. The life of the Legislative Assembly is five years unless dissolved earlier.

Absence from House: A member desiring permission of the House to remain absent from the sittings of the House must make an application in his own hand to the Chairman or the Speaker, as the case may be. The application has to specify the period for which leave of absence is required, indicating also the date of commencement and of termination of such leave of absence and the grounds for it, provided that leave of absence applied for at any one time does not exceed a period of sixty days. All applications for leave of absence are referred to the Committee on Absence of Members.

Committee on Absence of Members: There are two separate Committees on Absence of Members in the Legislative Council and the Legislative Assembly to deal with application from members for leave of absence.

As per Rule 218 of the Maharashtra Legislative Council Rules, the Committee on Absence of Members in the Council consists of seven members nominated by the Chairman. They hold office for a term not exceeding one year.

Rule 299 of the Maharashtra Legislative Assembly Rules lay down the provision for the constitution of the Committee in the Assembly. The Committee consists of eleven members nominated by the Speaker who shall hold office until a new Committee is constituted.

The function of the Committee are:-

(i) to consider all applications from members for leave of absence from the sittings of the House;

(ii) to examine every case where a member has been absent for a period of sixty days or more, without permission, from the sittings of the House and to report whether the absence should be condoned or circumstances of the case justify that the House should declare the seat of the member vacant, and

(iii) to perform such other functions in respect of attendance of members in the House as may be assigned to it by the Chairman/Speaker, as the case may be, from time to time.

Resignation: A member of either House who desires to resign his seat intimates in writing, under his hand, addressed to the Chairman or the Speaker, as the case may be, his intention to resign his seat in the Council/Assembly in the prescribed form. No reason is required to be given for the resignation. The Secretary, as soon as may be, after receiving such intimation, causes the information to be published in the Gazette and a copy of the Notification is forwarded to the Chief Electoral officer and to the Election Commission for taking steps to fill the vacancy thus caused.

SESSIONS AND SITTINGS

Issues of Summons: On the issue by the Governor of a notification under Article 174 of the Constitution appointing the time and place for a session of the Council/Assembly under rule 3 of the Maharashtra Legislative Council/Assembly Rules, the Secretary issues summons to each member for the time and place so appointed.

After the commencement of a session, the Council meets on such days as the Chairman may direct under rule 4 of the Maharashtra Legislative Council Rules. Similarly after the commencement of a session, the Assembly, subject to the direction of the Speaker, meets from Monday to Friday under rule 4 of the Maharashtra Legislative Assembly Rules.

Adjournment of Houses: The Chairman or the Speaker, as the case may be, has the power to adjourn any meeting to any future day and hour or to any part of the same day to be named by him, without discussion or vote. No meeting is adjourned for more than 7 days except at the request or with the consent of Government. The Chairman/Speaker may for sufficient reasons call a meeting before the date to which it has been adjourned.

BUSINESS OF THE HOUSE

The Legislative business can be divided into two categories : Government Business and Private Members' Business.

Order of Business: The Secretary prepares an order of business for the day and a copy thereof is sent to every member. Business not included in the order of business for the day is not transacted at any meeting without the leave of the Chairman/Speaker.

List of Business: Under rule 15 of the Maharashtra Legislative Council Rules three clear days before the commencement of a session of the Council a list of Business for the session of which notice has till then been admitted by the Chairman is despatched to each member.

Also under rule 15 of the Maharashtra Legislative Assembly Rules, seven clear days before the commencement of the session of Assembly a list of Business for the session of which notice has till then been admitted by the Speaker is despatched to each member.

Government Business: On days other than those allotted for Private Members' Business, no business other than Government business is transacted unless the Chairman or the Speaker, as the case may be, in consultation with the Leader of the House otherwise directs. It is arranged in any order that the Government deem fit.

Business Advisory Committee: Under rule 195 of the Maharashtra Legislative Council Rules and rule 200 of the Maharashtra Legislative Assembly Rules, at the commencement of the first Session of the Assembly/Council every year or from time to time, as the case may be, the Chairman/Speaker may nominate a Committee called the Business Advisory Committee in the respective Houses. In the Council the Committee consists of nine members including the Chairman who is also the Chairman of the Committee, whereas in the Assembly it consists of not more than twelve members including the Speaker who is the Chairman of the Committee.

The Committee recommends the time that should be allocated for the discussion of the stage or stages of such Government Bills and

other business as the Chairman/Speaker in consultation with the Leader of the House may direct for being referred to the Committee. It has the power to indicate in the proposed time-table the different hours at which the various stages of the Bill or other business are to be completed. Besides, the Committee has such other functions as may be assigned to it by the Presiding Officers of the respective Houses from time to time.

Private Members' Business: The last two and a half hours of a sitting on Friday are allotted for transaction of Private Members' Business in both the Houses. The Chairman/Speaker may allot different Fridays for the disposal of different classes of such business and on Fridays so allotted for any particular class of business, business of that class has precedence: provided further that the Chairman/Speaker may, in consultation with the Leader of the House, allot any day other than a Friday for the transaction of Private Members' Business. If there is no sitting of the Houses on a Friday, the Chairman/Speaker may direct that two and a half hours on any other day in the week may be allotted for Private Members' Business.

Committee on Private Members' Bills and Resolutions: There is a Committee on Private Members' Bills and Resolutions in each of the Houses of the Maharashtra Legislature. Under rule 210 of the Maharashtra Legislative Council Rules the strength of the Committee in the Council is seven, whereas, under rule 214 of the Maharashtra Legislative Assembly Rules, in the Assembly, not more than eleven members nominated by the Speaker constitute the Committee. The members of the Committee hold office until a new Committee is constituted.

The functions of the Committee are:

(a) to examine all Private Members' Bills after they are introduced and before they are taken up for consideration in the House and to classify them according to their nature, urgency and importance into categories A and B.

(b) to recommend the time that should be allocated for the discussion of the stage or stages of each Private Members' Bill and also

to indicate in the time-table so drawn up the different hours at which various stages of the Bill in a day are to be completed;

(c) to examine every Private Members' Bill which is opposed in the House on the ground that the Bill initiates legislation outside the Legislative competence of the House, and the Chairman/Speaker considers whether such objection is *prima facie* tenable or not.

(d) to recommend time-limit for the discussion of Private Members' Resolutions and other ancillary matters.

Besides, the Committee performs such other functions in respect of Private Members' Bills and Resolutions as may be assigned to it by the Chairman or the Speaker, as the case may be, from time to time.

Rules of Debate: A member desiring to move any motion or make any observation on any matter before the Council or the Assembly, as the case may be, has to rise from his seat, and if called upon by the Chairman/Speaker, address his remarks to the Chairman or the Speaker. If he is not called upon by the Presiding Officer, he has to resume his seat. But if a member is disabled by sickness or infirmity he may be permitted to address the House sitting. If at any time, while a member is speaking, the Presiding Officer rises or a member raises a Point of Order, the member speaking has to resume his seat.

If, while a member is speaking, another member desires to make an explanation or to ask an explanation or information from the member speaking, he should rise in his seat and if called upon by the Chair, make the explanation or ask for explanation or information. The Presiding Officer does not call upon the member so rising unless the member speaking resumes his seat.

After the mover of the motion has spoken, other member may, save as otherwise provided, speak on the motion in the order in which they are called upon by the presiding officer. Save in the exercise of a right of reply or as otherwise provided, no member can speak more than once on any motion, except with the permission of the Presiding Officer for the purpose of making a personal explanation, but in such cases no debatable matter is to be brought forward. The mover of a

motion but not the mover of an amendment other than an amendment to a Bill, may speak a second time on the conclusion of the debate by way of reply and the debate thereupon comes to an end. The mover of an amendment to an amendment has no right of reply. If the motion is moved by a private member the Minister-in-charge of the Department concerned may, with the permission of the Presiding Officer, speak (whether he has previously spoken in the debate or not) after the mover has replied.

The Presiding Officer may, having regard to the state of business before the House and the nature of the motion, prescribe a time limit for speeches on the motion. A private member may not read his speech, but may refresh his memory by reference to notes.

The Presiding Officer has the power to enforce the rules of debate and order in the House. He may direct any member who refuses to obey his decision, or whose conduct is, in his opinion, grossly disorderly, to withdraw immediately from the House and any member so ordered to withdraw has to do so forthwith and absent himself during the remainder of the day's meeting.

If any member of the Council is ordered to withdraw a second time in the same session, the Chairman may direct the member to absent himself from the meetings of the Council for any period not longer than the remainder of the session, not exceeding the period of 45 days, whichever period is shorter, and the member so directed absents himself accordingly. But in case a member of the Assembly is ordered to withdraw a second time in the same session, the Speaker may direct the member to absent himself from the meetings of the Assembly for any period not longer than the remainder of the Session, and the member so directed has to absent himself accordingly. The member so directed to be absent shall, during the period of such absence, be deemed to be absent with the permission of the Council or the Assembly, as the case may be, within the meaning of clause(4) of Article 190 of the Constitution.

Voting-procedure: On the conclusion of the debate on a motion, the Chairman/Speaker puts the question by asking those who are in favour of it to say "Aye" and then those who are of the contrary opinion

to say "No". he Presiding Officer then declares whether, in his opinion, the "Ayes" or the "Noes" have it. Any member may then request that the question should be decided by a division and his request is granted unless the Presiding Officer is of the opinion that the division is unnecessarily claimed, in which case he may, after the bell is rung for five minutes, ask members to rise in their seats for the purpose of counting votes. If the member who claimed the division so desires,the Presiding Officer shall also record his name and the names of such other members who vote on the side on which he votes.

The Chairman/Speaker determines the method of taking votes by division and announces the result of a division which is not challenged.

Proceedings: The business of the Council/Assembly is transacted in Marathi or in Hindi or in English. The Chairman/Speaker may permit any member who cannot adequately express himself in any of the languages aforesaid, to address the House in his mother-tongue.

PRESIDING OFFICERS

Each House of the Maharashtra Legislature has a Presiding Officer. The Presiding Officer of the Legislative Assembly is called the Speaker, and that of the Legislative Council, the Chairman.

Rule 6 of the Maharashtra Legislative Assembly Rules lay down the procedure of election of the Speaker of the Assembly. When owing to a General Election or for any other reason the office of the Speaker is vacant or is about to fall vacant, the Governor fixes a date for holding of the election and the Secretary sends to every member notice of the date so fixed. At any time before noon on the day preceding the date so fixed, any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating—(a) the name of the member nominated, and (b) that the proposer has ascertained that such member is willing to serve as Speaker, if elected.

On the date fixed for election, the Deputy Speaker, the Chairman nominated, or the person determined by the Assembly or appointed

by the Governor, under clause (1) of Article 180 of the Constitution, as the case may be, reads out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders, and, if only one member has been so nominated, declares that member to have been elected as the Speaker. If more than one member has been so nominated the Assembly proceeds to elect the Speaker by ballot. Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes is excluded from the election and balloting proceeds, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidates or than the aggregate votes of the remaining candidates, as the case may be. The candidate who obtains more votes than those obtained by the remaining candidate or than the aggregate votes obtained by the remaining candidates, as the case may be, is declared to have been elected as the Speaker.

Where at any ballot any two candidates obtain an equal number of votes and one of them has to be excluded from the election, the question is decided by the person presiding by exercising his casting vote. Where at any ballot any three or more candidates obtain an equal number of votes and one of them has to be excluded from the election, the determination, as between the candidates whose votes are equal, of the candidate who is to be excluded should be by drawing of lots.

When, owing to the existence of a vacancy in the office of Deputy Speaker, the election of the Deputy Speaker is necessary, the Speaker fixes a date for the holding of the election. The election to the office of the Deputy Speaker is the same as that of the Speaker.

At the commencement of every session, the Speaker nominates from amongst the members of the Assembly a panel of not more than four Chairmen, any one of whom may preside over the Assembly in the absence of the Speaker and the Deputy Speaker, when so requested by the Speaker, or, in his absence, by the Deputy Speaker.

A motion to remove the Speaker from office for which fourteen days' notice, as required under Article 1979 of the Constitution, has been

given shall, as soon as may be, after the expiry of the notice period, be read to the Assembly by the Speaker who then requests the members who are in favour of leave being granted to move the motion to rise in their seats, and if not less than 29 members rise accordingly, the Speaker intimates that leave is granted and that the motion will be taken on such day, not being more than 7 days from the day on which leave is granted as he may appoint.

While the procedure for removal of the Chairman of the Council is also the same, the member who moves the resolution in the Council for the removal of the Chairman, in order to obtain the leave of the House, must get the support of at least 10 members.

Tables 1 and 2 below give the names and the tenure of the Chairmen, Speakers of the Council and the Assembly, respectively.

Table 1: Statement showing the names and tenure of Chairmen of the Legislative Council

Name	Name of the Council	Tenure From	to
Shri Mangaldas Manchharam Pakvasa	Bombay Legislative Council.	1937	1947
Shri Ramchandra Ganesh Soman	Bombay Legislative Council.	1947	1950
Shri Ramchandra Ganesh Soman	Bombay Legislative Council.	1950	1952
Shri Ramrao Shrinivasrao Hukerikar	Bombay Legislative Council.	1952	1956
Shri Bhogilal Dhirajlal Lala	bombay Legislative Council.	1956	1960
Shri Vithal Sakharam Page	Maharashtra Legislative Council.	1960	1966
Shri Vithal Sakharam Page	Maharashtra Legislative Council.	1966	1972
Shri Vithal Sakharam Page	Maharashtra Legislative Council.	1972	1978
Shri Ramkrishna Suryabhanji Gavai	Maharashtra Legislative Council.	1978	1982
Shri Jayantrao Shridhar Tilak	Maharashtra Legislative Council.	1982	1986

(Continued)

Table 1: *(Continued)*

Name	Name of the Council	Tenure From	to
Shri Jayantrao Shridhar Tilak	Maharashtra Legislative Council.	1986	1992
Shri Jayantrao Shridhar Tilak	Maharashtra Legislative Council.	1992	1992

Table 2: Statement showing the names and tenure of Speakers of the Legislative Assembly

Name	Name of the Assembly	Tenure From	To
Shri Ganesh Vasudeo Mavalankar	Bombay Legislative Assembly	1937	1946
Shri Kundanmal Sobhachand Firodiya	Bombay Legislative Assembly	1946	1952
Shri Dattatray Kashinath Kunte	Bombay Legislative Assembly	1952	1956
Shri Sayaji Lakshaman Silam	Bombay Legislative Assembly	1956	1957
Shri Sayaji Lakshaman Silam	Bombay Legislative Assembly	1957	1960
Shri Sayaji Lakshman Silam	Maharashtra Legislative Assembly	1960	1962
Shri Tryambak Shivaram Bharade	Maharashtra Legislative Assembly	1962	1967
Shri Tryambak Shivaram Bharade	Maharashtra Legislative Assembly	1967	1972
Shri Sheshrao Krishnarao Wankhade	Maharashtra Legislative Assembly	1972	1977
Shri DS *alias* Balasaheb Desai	Maharashtra Legislative Assembly	1977	1978
Shri Shivraj Vishwanath Patil	Maharashtra Legislative Assembly	1978	1979
Shri Pranlal Harkisandas Vora	Maharashtra Legislative Assembly	1980	1979
Shri Sharad Shankar Dighe	Maharashtra Legislative Assembly	1980	1985

(Continued)

Table 2: *(Continued)*

Name	Name of the Assembly	Tenure From	To
Shri Shankarrao Chimaji Jagtap	Maharashtra Legislative Assembly	1985	1990
Shri Madhukarrao Dhanaji Chaudhary	Maharashtra Legislative Assembly	1990	1990

PROCESS OF LEGISLATION

All proposals for legislation are initiated in the form of Bills which, when passed by the two Houses and assented to by the Governor or the President, as the case may be, become Acts.

A private member desiring to move for leave to introduce a Billhas to give notice of his intention, and together with the notice, submit a copy of the bill and the Statement of Objects and Reasons. The period of notice of a motion for leave to introduce a Bill is fifteen days expiring on the day previous to the day on which the motion is made.

As soon as may be after a Bill has been introduced, the Bill, together with the Statement of Objects and Reasons, is published in the Gazette. The Government may order the publication of a Money Bill (together with the Statement of Objects and Reasons, the memorandum regarding delegation of legislative power and the financial memorandum accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it is not necessary to publish the Bill again after it is introduced.

When a Bill is introduced or on some subsequent occasion, the member-in-charge may make one of the following motions in regard to the Bill,namely:-

(a) that it be taken into consideration;.

(b) that it be referred to a Select Committee composed of such members of the Assembly, and with instructions to report before such date, as may be specified in the motion; or

(c) that it is expedient that the Bill be referred to a Joint Committee

of both the Houses, composed of so many members, and with instructions to report before such date, as may be specified in the motion; or

(d) that it be circulated for the purpose of electing opinion thereon, within such period as may be specified in the motion;

Provided that no such motion referred to in clause (c) is made with reference to a Money Bill.

Provided further that no such motion is made unless a copy of the Bill with the Statement of Objects and Reasons together with the translation thereof either in Hindi or in Marathi, whichever is selected by the member, has been despatched to each member four clear days before the date on which motion is made, unless the Speaker, in the exercise of his power to suspend this provision, allows the motion to be made.

On the day on which any motion referred to above is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its general provisions may be discussed, but the detailed provisions of the Bill are not discussed further than is necessary to explain its principle nor any amendment to the Bill is to be moved at this stage.

When a Bill is referred to a Select or Joint Committee, the Committee makes such amendments in the Bill referred to it as are relevant to the subject-matter and within the scope of the Bill. The report of the Committee is presented to the Assembly by the member-in-charge of the Bill.

After a motion has been agreed to by the Assembly that a Bill be taken into consideration, the Speaker has to submit the Bill to the Assembly clause by clause. At this stage amendments are considered in the order of the clauses to which they relate. The Speaker calls the number of each clause separately, and, when the amendments relating to it have been dealt with, puts the question "that this clause or (as the case may be) this clause, as amended, do stand part of the Bill". The Schedules, if any, are dealt with in the same manner as the clauses. The title and preamble of the Bill are laid up after all the clauses of the Bill have been dealt with.

When a motion that a Bill be taken into consideration has been carried and no amendments are made, the member-in charge may at once move that the Bill be passed. The discussion on a motion that the Bill, or the Bill as amended, as the case may be, be passed is confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech, a member is not expected to refer to the details of the Bill further than is necessary for the purpose of his arguments which may be general in nature.

After a Bill has been passed by the Assembly and certified by the Speaker, it is transmitted to the Council. Copies of every Bill passed by the Assembly and transmitted to the Council is laid on the table of the Council. After copies of a Bill have been laid on the Table of the Council, any Minister in the case of Government Bill, or, in the case of any other Bill, any member may give notice of his intention to move the Bill.

In the case of Bills passed by the Assembly and then transmitted to the Council, no such motion can be made in the Council unless a copy of amendments passed by the Assembly together with their translation either in Marathi or Hindi, whichever is selected by the member, and a copy of the Bill, as amended, in English have been despatched to each member two clear days before the date on which such motion is made. After such a Bill has been introduced, if the Bill has already been referred to a Joint Committee of both the Houses, no motion shall be made and no amendment shall be moved that the Bill be referred to a Select Committee or a Joint Committee. If the Bill is rejected by the Council a message shall be sent to the Assembly that the Bill has been rejected. If the Bill is passed without amendments by the Council, the Assembly shall be informed accordingly. If the Bill is passed with the amendments by the Council, it shall be returned to the Assembly with a message asking for the concurrence of the Assembly. If the Bill is returned by the Assembly to the Council with the message that the Assembly has not agreed to the amendments made by the Council or any of them or that the Assembly has passed further amendments or that the Assembly has passed further amendments in place of the amendments made by the Council, copies of the message so received shall be sent to all members. The member-in-

charge may then, after giving three days' notice, move that the Bill as passed by the Assembly be taken into consideration. If the motion is carried, the amendments made in the Bill by the Council and disagreed to by the Assembly and further amendments, if any, made in the Bill by the Assembly shall be put to the Council by the Chairman in such manner as he thinks most convenient for their consideration. A message shall then be sent to the Assembly that the Council has agreed to the Bill as originally passed by the Assembly or as further amended by the Assembly.

In the case of every Money Bill passed by the Assembly and transmitted to the Council it shall be laid on the Table of the Council. After the Money Bill is laid on the Table of the Council any Minister may, after giving three days' notice, move that the Money Bill as passed by the Assembly be taken into consideration. On such motion the general principle of the Bill may be discussed, but the detailed provisions shall not be discussed. If the motion is carried, the Chairman shall submit the Bill to the Council clause by clause. At this stage amendments to be recommended to the Assembly may be moved to the Bill. The amendments shall be considered in the order of the clause to which they relate. If the motion is lost, the Bill shall be deemed to have been returned to the Assembly without any recommendations. If the Council has no recommendations to make, the Bill is returned to the Assembly with a message to that effect. If the Council has recommendations to make, the Bill is returned to the Assembly with a message asking for the acceptance by the Assembly of the recommendation made by the Council.

After the Bill has been passed by the Council under any provisions of the Rules, the Chairman shall sign a certificate at the foot of the Bill stating the decision arrived at the Council.

After a Bill has been passed by both the Houses of the Legislature, the Secretary shall send a copy of the Bill as authenticated by the Speaker (in case of Assembly Bill) or authenticated by the Chairman (in case of the Council Bill) for submission to the Governor through the Secretary to the Government of Maharashtra, Law and Judiciary Department. In the case of a Money Bill, the Speaker shall certify that this is a Money Bill.

Amendment of the Constitution: If a message for ratification of the amendment to the Constitution is received from a House of Parliament, a copy of the message together with the Bill, is laid by the Secretary on the Table of the House. The Secretary forwards a copy of the message together with the Bill to the State Government at the first convenient opportunity. After the message has been laid on the Table, any member may, after giving three days' notice, move a resolution that the amendment to the Constitution proposed by the Bill be ratified. The Speaker, in consultation with the Leader of the House, fixes a date for discussion on the resolution. No amendment is proposed to such a resolution. If the resolution is passed by the House, a message is to be sent to the House of Parliament from which the message was received, that the Assembly ratifies the amendment. If the resolution is rejected by the House, a message is sent as aforesaid that the Assembly does not ratify the amendment.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

Questions: A question may be asked for the purpose of obtaining information on a matter of public concern, within the cognisance of the Minister to whom it is addressed.

Questions are of three types: (i) Starred Questions, (ii) Unstarred Questions, and (iii) Short Notice Questions. A Starred Question is one to which a member desires an oral answer. The mmber distinguishes it by an asterisk. All other questions are called Unstarred Questions. No oral answers to them are to be given but such questions and answers thereto are placed on the table of the Assembly and are printed in the official report of proceedings under the heading "Unstarred Questions". Unless the Speaker otherwise directs, such questions are answered within three months from the date of receipt thereof by Government. Unless the Speaker otherwise directs, not less than 45 clear days' notice of a Starred Question is to be given. Not more than three questions distinguished by asterisks by the same member are placed on the list of questions for oral answer on any one day. Questions in excess of three are placed on the list of questions for

written answer. A member who desires an immediate reply to a question of an urgent nature gives notice of it to the Secretary which should not be earlier than seven days prior to the commencement of the session, or an adjourned session. Such a question is examined and submitted to the Speaker for admission in the original or amended form within two days from the date of receipt of its notice by the Secretary. After the Speaker has admitted the question in the original or amended form, the Secretary ascertains from the Minister in charge of the Department concerned whether he agrees to give an immediate reply to the question. If the Minister concerned agrees, then the question may be asked and answered in the Assembly on any day convenient to him. If the Minister concerned does not agree to give an immediate reply to the question, he may state reasons to the Speaker why the question cannot be replied to as a Short Notice question. Every Short Notice question is answered within seven days from the date of its receipt by Government, if the requisite information is available within the limits of Greater Bombay and within fourteen days from that date if it is required to be obtained from outside Greater Bombay.

Half-an-Hour Discussion: On every Tuesday and Thursday the Chairman/Speaker allots half-an-hour at the close of the meeting of the House on that day for raising discussion on a matter of sufficient public importance. If the other business set down for the day is concluded before the time appointed for the conclusion of the meeting, the period of half-an-hour has to commence from the time such other business is concluded. The Chairman/Speaker may allot any other days instead of Tuesday and Thursday for such discussion.

A member wishing to raise a matter is to give notice in writing to the Secretary three days in advance of the day on which the matter is desired to be raised and should briefly specify the points that he wishes to raise. The notice is accompanied by an explanatory note stating the reasons for raising discussion on the matter in question and is to be supported by the signatures of at least two other members. The Chairman/Speaker may with the consent of the Minister in charge of the Department concerned, curtail the period of notice or dispense with notice in any case he deems fit. If more than two notices

have been received and admitted by the Presiding Officer for any day, the Secretary holds a ballot with a view to drawing two notices and the notices are put down in the order in which they were received in point of time.

Short Duration Discussion: Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. The notice is to be accompanied by an explanatory note stating reasons for raising discussion on the matter in question. It is also supported by the signature of at least two other members. The Chairman/Speaker in consultation with the Leader of the House, fixes the date on which such matter may be taken up for discussion and allows such time for discussion not exceeding two and a half hours, as he may consider appropriate.

Motion of No Confidence: Since the Council of Ministers is collectively responsible to the Legislative Assembly, a motion of no-confidence in the Council of Ministers can be moved in the Legislative Assembly by any member by giving appropriate notice. Under Rule 95 of the Maharashtra Legislative Assembly Rules, a member who desires to move for leave to make a motion expressing want of confidence in the Council of Ministers or a motion disapproving the policy of the Council of Ministers in a particular respect, may give written notice of such motion. If the motion is admitted by the Speaker, leave to make the motion may be asked for on such day not later than two days after it is admitted, if the Assembly is in session, as the Speaker may appoint, after questions and before the List of Business for the day is entered upon.

Provided that if the notice of such motion is received when the Assembly is not in session, the leave to make the motion may be asked for on a day not later than two days after the commencement of the session, as the Speaker may appoint. After the member has asked for leave of the Assembly to make the motion, the Speaker reads the motion to the Assembly and requests those members who are in favour of leave being granted to rise in their places, and if not less than 29 members rise accordingly, the Speaker intimates that leave is granted

and that the motion is taken on such day, not being earlier than three days and more than seven days from the day on which leave is asked, as he may appoint. If less than 29 members rise, the Speaker informs the member who has given notice of the motion that he has not the leave of the Assembly.

Adjournment Motions: A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker. A member desiring to move such a motion is to hand over to the Speaker, the Minister concerned and the Secretary, a written statement of the proposed motion not later than one hour before the commencement of the sitting of the Assembly at which he proposes to ask for leave of the Assembly to move his motion and obtain the Speaker's consent to the proposed motion before the sitting of the Assembly commences. If the Speaker grants his consent, leave to move the motion may be asked after questions and before the other business for the day is entered upon. Not less than 29 members should rise in their seats in support in order to get the leave of the House. If 29 members rise accordingly, the Speaker intimates that the business of the Assembly is adjourned at 16.00 hours for the purpose of discussing the motion. If less than 29 members rise, the Speaker informs the member that he has not the leave of the Assembly.

The debate on the motion, if not earlier concluded, terminates at 18.00 hours and thereafter no question in respect of motion is put. No speech during the debate can exceed 15 minutes in duration.

Calling Attention Notices: A member may, with the previous permission of the Chairman or the Speaker, as the case may be, call the attention of a Minister to any matter of urgent public importance and the Minister may move a brief statement or ask for time to make a statement at a later hour or date. There is no debate on such statement. The proposed matters are raised after the questions and before the List of Business is entered upon and at no other time during the sitting of the Council/Assembly. Not more than two such matters in the Assembly and not more than three such matters i.: the Council are raised at the same sitting.

Private Members' Resolutions: A member who wishes to move a resolution has to give 15 clear days' notice (12 clear days' notice in case of the Council) before the date appointed for the disposal of the private members' resolutions and shall together with the notice submit a copy of the resolution which he wishes to move. No member is permitted to send in notices of more than five resolutions during one session of the Council/Assembly. The relative precedence of the notices is determined by ballot.

Government Resolutions: Government resolutions are moved either by a Minister or the Advocate-General. A seven days' notice is necessary in respect of such resolutions.

Last-Week Motions: The recent amendments in the Rules of Procedure of the Legislative Assembly and Legislative Council in Maharashtra provide for another mode of raising discussion on matters of sufficient public importance which can be termed as 'last-week motions'. These motions are analogous to the Last Day Motions or the Holiday Adjournment Motions of the House of Commons. As per this provision, one day in the last week of the session is set apart by the Speaker for discussion of these motions. Not more than four matters can be taken on any such day; and if more than four notices are received and admitted by the Speaker, a ballot is held to determine which four matters are to be taken. The principle behind this provision can be expressed as 'grievances before adjournment'. However, there is no such provision in Lok Sabha.

Motions of Congratulation or Condolence: If any sitting member or ex-member of the Maharashtra Legislative Assembly or the Maharashtra Legislative Council expires or a person of international reputation or a very important person in view of the state or a national leader expires, a motion of condolence may, with prior permission of Hon. Presiding Officer of the concerned House, be moved in the House to condole the death of such member or person. When the motion of condolence is passed, a copy of the same is sent to concerned bereaved family.

Similarly a motion of congratulation in case of eminent and impor-

tant persons raising the dignity of the state or nation on national and international level may also be moved in the House with the prior permission of the Hon. Presiding Officer of the concerned House.

Generally, the practice is that these motions are moved in the House after the question hour. Similarly, there is a practice that if any sitting member of either House expires while the Houses are in session, a motion of condolence may be moved in both the Houses and the business of both the Houses is adjourned for some time or for the whole day.

Petitions: Rule 228 of the Maharashtra Legislative Council Rules and Rules 264 to 268 of the Maharashtra Legislative Assembly Rules lay down the procedure for presentation of petitions to the respective Houses. A petition has to be addressed to the Council or the Assembly, as the case may be, in respectful and temperate language. It must not contain any offensive or defamatory expressions. It must be signed by the petitioner or petitioners. Having obtained the consent of the Chairman/Speaker, a member may present the petition on any day after questions and before the other business for the day is entered upon. Every petition after presentation is referred to the Committee on Petitions.

As soon as may be after the commencement of the first session of the Assembly in every year or the first session of a newly constituted Assembly, as the case may be, a Committee on Petitions is constituted consisting of the Deputy Speaker (as the Chairman) and ten other members nominated by the Speaker. In the case of the Council, the Committee on Petitions comprises four other members along with the Deputy Chairman of the Council as the Chairman of the Committee. The members of the Committee hold office until the new Committee is constituted.

The Committee on Petitions examines every petition referred to it and reports to the Council/Assembly stating the subject matter of the petition, the number of persons by whom it is signed and whether it is in conformity with the rules. If the petition complies with the rules, the Committee may, in its discretion, direct that it be circulated amongst the members. The Committee in its report states whether

the circulation has or has not been directed, and where circulation has not been directed the Chairman/Speaker may, in his discretion, direct that the petition be circulated. Such circulation is of the petition *in extenso* or of a summary thereof as the Committee or the Chairman/Speaker, as the case may be, may direct. It is also the duty of the Committee to report to the House on specific complaints made in the Petitions referred to it and to suggest remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future.

BUDGET IN LEGISLATURE

The Budget: The annual financial statement or the statement of estimated receipts and expenditure of the State in respect of every financial year is called the Budget. It is presented to the Assembly on such day as the Governor may appoint. No discussion of the Budget takes places on the day on which it is presented.

The Budget is discussed in two stages in the Assembly namely:- (a) a general discussion, and (b) the voting on Demands for Grants. As per Rule 244 (1) of the Maharashtra Legislative Assembly Rules, the Speaker, in consultation with the Leader of the House, may, not earlier than seven clear days from the day on which the Budget is presented, appoint days not exceeding six in number and on the days so appointed, the Assembly is at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion is moved at this stage nor is the Budget submitted to the vote of the Assembly. The Finance Minister has the general right of reply at the end of the general discussion on the Budget.

Demands for Grants: A separate demand is ordinarily made in respect of the grant proposed for each department of Government. The Government may include in one demand grants proposed for two or more departments or make one demand in respect of expenditure such as famine relief and interest, which cannot be readily classified under any particular demand. Each demand contains, first a statement of the total grant proposed and then a statement of the detailed es-

timates under each grant divided into items.

Before 1986, after Secretary has called out the demand, each demand for grant was placed by the Minister concerned on the floor of the House and the Speaker used to announce that such demand was placed by the Minister. This process was to continue until all demands were moved one by one by the concerned minister.

After the discussion on demands for grants was over all the demands were put to vote of the House one after another, and they were declared as passed.

Generally 30 minutes were spent for moving all the demands for discussion and putting them to the vote of the House, and thus it was a very lengthy procedure. To avoid this, the method was replaced by the similar method existing in Lok Sabha, from the second session of 1986.

According to this new method the demands are assumed to have been moved by the Minister concerned and are proposed by the Chair to save the time of the House.

For the sake of convenience all the demands for grants of a department are discussed together along with the cut motions given by the members. At the end of the discussion all the demands for grants are put to vote of the House.

The voting of Demands for Grants takes place on such days not exceeding eighteen as the Speaker, in consultation with the Leader of the House, may allot for the purposes.

But at least ten days should elapse between the date of the presentation of the Budget and the first day of the voting of demands.

During the voting of demands for grants, motion may be moved to reduce any grant or to omit or to reduce any item in a grant but not to increase or to alter destination of the grant.

The demands are discussed in such order as the Speaker may direct. Not more than two days are taken up for the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the Speaker forthwith puts every question necessary to dispose of the demand under discussion.

On the last day of the days so allotted, two hours before the time appointed by the Speaker for the adjournment of the Assembly, the Speaker forthwith puts every question necessary to dispose of all the outstanding matters in connection with the completion of all or any of the stages involved in the passage of the Bill by the Assembly. Two hours before the time appointed by the Speaker for the adjournment of the Assembly on the day or the last of such days, as the case may be, all discussion terminates and the Speaker forthwith puts every question necessary to dispose of all outstanding matters in connection with the stage or stages for which the days or days have been allotted.

The debate on an Appropriation Bill is restricted to matters of public importance or administrative policy implied in the grants covered by the Bill which have not already been raised while the relevant Demands for Grants were under consideration. The Speaker may ask for advance intimation of the specific points a member intends to raise on an Appropriation Bill to avoid repetitions. If an Appropriation Bill is in pursuance of a supplementary grant in respect of an existing service, the discussion is confined to the items constituting the same, and no discussion is raised on the original grant nor the policy underlying it in so far as it may be necessary to explain or illustrate a particular item under discussion.

Excess Grants: If in respect of any financial year money has been spent on any service for which the vote of the Assembly is necessary in excess of the amount granted for the service and for that year, a demand for the excess amount is to be on a day or days fixed by the Governor before the Assembly and is dealt with in the same manner by the Assembly as if it were a demand for Grant.

Supplementary Demands: A supplementary statement of expenditure, if any, is laid before the Assembly on such day as the Governor may appoint. The Speaker, in consultation with the Leader of the House, allots one or more days not earlier than three days after the day fixed by the Governor. The demands for supplementary grants are dealt with in the same way as if they were Demands for Grants.

Token Grants: When funds to meet the proposed expenditure on a new service can be made available by reappropriation, a demand for the grant of a total sum may be submitted to the vote of the Assembly and, if the Assembly assents to the demand, funds may be so made available.

LEGISLATIVE COMMITTEES

The three important financial committees in the Maharashtra Legislature are as follows:–

Committee on Estimates: The Committee on Estimates consists of not more than twenty-nine members of whom not more than twenty-three are nominated by the Speaker from amongst the members of the Assembly and not more than six members are likewise nominated by the Chairman from amongst the members of the Council.

The functions of the Committee are:

(a) to scrutinise the Budget Estimates in such detail as it may consider necessary and tender advice so as to ensure that Government's objectives are carried out in the most economical and efficient manner;

(b) to scrutinise carefully the Demands for Grants or Supplementary Grants and

(c) to advice the Government on any financial questions that may be referred to it.

The scrutiny of the Budget estimates or the demands for supplementary grants by the Committee on Estimates does not in any manner affect or postpone their consideration by the Assembly or its voting thereon. The Committee is entitled to scrutinise the Budget estimates or the demands for supplementary grants and tender advice notwithstanding this fact that the Assembly may have already voted the grants comprised therein;

But the Committee does not exercise its functions in relation to such public undertaking which come within the purview of the Committee

on Public Undertakings under these Rules.

Public Accounts Committee: As soon as may be after the commencement of the first session of the Assembly in every year or the first session of newly constituted Assembly, as the case may be, a Committee on Public Accounts is constituted. The Committee consists of not more than twenty-five members, out of whom not more than twenty are nominated by the Speaker and five are nominated by the Chairman of the Council from amongst the members of the respective Houses. The members of the Committee hold office until a new Committee is constituted.

The Committee deals with the reports of the Comptroller and Auditor-General of India relating to the Appropriation Accounts of the State and such other accounts as may be laid before the House. Any other matters which the Finance Department may, with the permission of the Speaker, refer to the Committee, are also considered for examination.

In scrutinising the Appropriation Accounts of the State and the reports of the Comptroller and Auditor-General thereon, it is the duty of the Public Accounts Committee to satisfy itself:-

(a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged,

(b) that the expenditure conforms to the authority which governs it, and

(c) that every reappropriation has been made in accordance with such rules as have been prescribed by the competent authority.

It is also the duty of the Public Accounts Committee:-

(i) to scrutinize the Finance Accounts of the State Government and the Audit Report thereon;

(ii) to examine the statements of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes and projects, together with the balance sheets and statements of Profit and Loss Accounts which the Governor may

have required to be prepared or are prepared under the Provisions of the Statutory rules regulating the financing of a particular corporation, trading concern or project, and the Report of the Comptroller and Auditor-General thereon, and

(iii) to consider the report of the Comptroller and Auditor-General in cases where the Governor may have required him to conduct an audit of any receipt or to examine the accounts of Stores and stocks:

But the Committee does not exercise its functions in relation to such public undertakings which come within the purview of the Committee on Public Undertakings under these Rules.

If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee examines with reference to the facts of each case the circumstances leading to such an excess and makes such recommendations as it may deem fit.

The Public Accounts Committee in this State was constituted in the year 1921 and is perhaps the oldest Committee. It was nominated by the Hon'ble Speaker and the Finance Minister was the Ex-officio Chairman of the Committee. At a later stage after reorganisation of States in 1957 Finance Minister ceased to chair the Committee and a member from the ruling party was appointed as Chairman. In the early 60s on the pattern of Lok Sabha a convention was established to chair the Committee. The practice continues till date. In the year 1981, the concept of electing members on the various Legislature Committees was dropped and Rules amended to empower the Speaker/Chairman to nominate the members on various Legislature Committees.

The Committee on Public Accounts insisted on introducing a system of letter of credit to curb powers of field officers at Executive Engineers' level to draw cheques on PL Account to control excesses and observe financial discipline in spending. A special mention may be made that the Public Accounts Committee while dealing with "Suspense Accounts" had observed that as many as Rs. 375/- crores were not brought to the notice of Legislature and there was no way to

find out exactly the items on which the amount was expended. The Committee examined this issue in depth and recommended that procedure be adopted to maintain day-to-day accounts in view of cheque facility available to the field officers concerned.

By and large recommendations of the Committee are accepted by the Government and are considered.

Committee on Estimates: The Committee on Estimates consists of not more than twenty-nine members of whom not more than twenty-three are nominated by the Speaker from amongst the members of the Assembly and not more than six members are likewise nominated by the Chairman from amongst the members of the Council.

Functions of the Committee are:

(a) to scrutinise the Budget Estimates in such detail as it may consider necessary and tender advice so as to ensure that Government's objectives are carried out in the most economical and efficient manner;

(b) to carefully scrutinise the Demands for Grants or Supplementary Grants; and

(c) to advise the Government on any financial questions that may be referred to it.

The scrutiny of the Budget estimates or the demands for supplementary grants by the Committee on Estimates does not in any manner affect or postpone their consideration by the Assembly or its voting thereon. The Committee is entitled to scrutinise the Budget estimates or the demands for supplementary grants and tender advice notwithstanding the fact that the Assembly may have already voted the grants comprised therein:

But the Committee does not exercise its functions in relation to such public undertakings which come within the purview of the Committee on Public Undertakings under these Rules.

Committee on Public Undertakings: The Committee on Public Undertakings consists of twenty-five members, out of whom twenty are nominated by the Speaker and five are likewise appointed by the

Chairman from amongst the members of the respective Houses. No member who has a pecuniary interest in any public undertaking is eligible to be nominated or continue to be a member of the Committee.

The functions of the Committee are:-

(i) to examine the reports and accounts of the public undertakings specified in the Third Schedule and such other undertakings as may be decided by the House from time to time;

(ii) to examine the reports, if any, of the Comptroller and Auditor-General of India on the said undertakings;

(iii) to examine, in the context of the autonomy and efficiency of the said undertakings, whether their affairs are being managed in accordance with sound business principle and prudent commercial practices; and

(iv) such other functions vested in the Public Accounts Committee and the Estimates Committee in relation to the said undertakings as are not covered by clauses (i), (ii) and (iii) above and as may be allotted to this Committee by the Speaker from time to time.

The Committee does not examine and investigate any of the following matters, namely:

(a) matters of major Government policy as distinct from business or commercial functions of the said undertakings;

(b) matters of day-to-day administration, and

(c) matters for the consideration of which special machinery is established under any state.

Besides these, the other Committees functioning in the Maharashtra Legislature are the following:

(i) Committee for Consideration of Matters of Public Importance.

(ii) Business on Private Members' Bills and Resolutions.

(iii) Committee on Subordinate Legislation

(iv) Committee on Rules.

(v) Committee on Government Assurances.

(vi) Committee on Absence of Members from the Sittings of the House.

(vii) Committee on Welfare of Scheduled Castes.

(viii) Committee on Welfare of Scheduled Tribes.

(ix) Committee on Welfare of Vimukta Jatis and Nomadic Tribes.

(x) Committee on Panchayati Raj.

(xi) Committee on Employment Guarantee Scheme.

(xii) Committee of Privileges.

(xiii) Committee on Petitions.

Among the aforesaid Committees, the following Committees deserve special mention because they are not in vogue in other States.

Committee for Consideration of Matters of Public Importance: After having given ten days' notice, any member may, with the consent of the Chairman/Speaker, move that any matter of public importance be referred for consideration and report to a Committee consisting of such members of the Council/Assembly as may be specified in the motion. The motion does also specify the instructions, if any, which are to be given to the Committee and the date before which the Committee is to submit its report. The Committee must not, without the leave of the Assembly, consist of more than 15 members including the ex- officio member. And in case of the Council, the Committee must not, without the leave of the Council, consist of more than ten members, including the ex-officio member of the Committee. The Minister-in-charge of the Department concerned is the ex-officio member.

The Committee may hear expert evidence and representatives of special interests concerned with the matter referred to it.

Committee on Welfare of Vimukta Jatis and Nomadic Tribes: The Committee on Welfare of Vimukta Jatis and Nomadic Tribes consists of seven members, of whom five are nominated by the Speaker and two are nominated by the Chairman from amongst the members of the respective Houses.

The functions of the Committee are:

(i) to examine various schemes of the State Government for the welfare of Vimukta Jatis and Nomadic Tribes and to report to both the Houses as to the measures that should be taken by the State Government in that behalf;

(ii) to examine the measures taken by the State Government to secure due representation of Vimukta Jatis and Nomadic Tribes in services and posts under its control (including appointments in the public sector undertakings, statutory and semi-Government bodies);

(iii) to consider generally and to report to both the Houses on all matters concerning the welfare of Vimukta Jatis and Nomadic Tribes which fall within the purview of the State Government;

(iv) to report to both the Houses on the action taken by the State Government on the measures proposed by the Committee;

(v) to examine such of the matters as are specifically referred to it by the House or the Speaker.

Committee on Panchayati Raj: This Committee consists of twenty-five members, of whom not more than twenty are nominated by the Speaker from amongst the members of the Legislative Assembly and not more than five are nominated by the Chairman of the Council from amongst the members of the Legislative Council. Out of the twenty members to be nominated from the Assembly, two are to be from amongst the Scheduled Castes and two from the Scheduled Tribes.

It is the duty of the Committee on Panchayati Raj:

(a) to examine the Annual Administration Report of the Zilla Parishads and Panchayat Samities presented to the Legislature under section 142(4) of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961;

(b) to examine the consolidated Finance Accounts of the Zilla Parishads and the Audit Review Report on the Accounts of the Zilla Parishads prepared by the Chief Auditor Local Fund Accounts and presented to the Legislature by Government;

(c) to exercise the functions of the Public Accounts Committee and the Estimates Committee in relation to the Budgets and accounts of the Zilla Parishads and Panchayat Samitis.

The Committee does not examine and investigate any of the following matters, namely:

(i) matters of major Government policy;

(ii) matters of day-to-day administration of Zilla Parishads and Panchayat Samitis; and

(iii) matters for consideration of which special machinery is established:

Provided further that, subject to the provisions of Rule 178—

(a) the Rural Development Department of the Government shall obtain from Zilla Parishads the information and the material required by the Committee from time to time and furnish the same to the Legislature Secretariat for the use of the Committee;

(b) the Committee may examine the Presidents of the Zilla Parishads, the Chairman of Subjects Committee of Zilla Parishads, the Chairman of Panchayat Samitis and the Chief Executive Officers of Zilla Parishads or any other officer.

EMPLOYMENT GUARANTEE SCHEME COMMITTEE

The Employment Guarantee Scheme is one of the most important schemes being implemented in the Maharashtra State. This scheme is aptly described as one more revolutionary step of the State Government towards achieving the goal of socialism enshrined in the Indian Constitution. In the preamble to the original scheme (announced on 20th December 1974), it was clearly stated that the Employment Guarantee Scheme was being adopted with a view to giving effect to the directive principles enshrined in the Constitution of India, (Article 41) that the Government "shall make effort to provide employment to those who seek it". This article recognized in principle citizens' right

to work and this scheme was introduced as a first step in this direction. The Employment Guarantee Scheme has its origin in the 15-point programme adopted by the State Government in September 1971 for the development of the State's economy. One of the important goals of this programme was stated to be elimination of poverty and providing gainful employment to all those who demand it.

It was estimated, then, that there were 5.4 million agricultural labourers in the rural areas of the State, employed in agricultural operations for not more than four to four and a half months during the year. The Government, therefore, decided that greater employment opportunities should be provided to all those persons. To meet this end a new instrument, namely the Employment Guarantee Scheme has been introduced. Some sort of experience regarding the operation of such type of schemes was available with Government. In July 1969, a pilot employment guarantee scheme was started in the selected blocks where Integrated Area Development Projects were already in operation. On the basis of such projects and experience, gained during the course of time, the Government came to the conclusion that it was possible to undertake programme for generating employment on a large scale which at the same time would bring about development of the economic resources of the State. The generation of employment would thus be combined or coordinated with the growth of various sectors of the state economy, thus eliminating the possible inflationary impact. A special programme, with this purpose, was introduced in April/May 1972 as a first step in the direction of guaranteeing manual employment to all able-bodied adults throughout rural Maharashtra Unfortunately, soon after the programme was launched, one of the worst ever famines stalked the state. The two consecutive years, 1972-73 and 1973-74, witnessed failure of the monsoon and consequently agricultural operations in the State came to a standstill. It was, therefore, urgently necessary for the Government to undertake, on a large scale, relief work to provide work to the rural people. The EGS was virtually suspended and its place was taken by famine relief works. In December 1974, when the famine was over, the Government decided to introduce the EGS anew. A revised scheme, comprehensive enough to cover the

entire rural area of the State, was formulated and adopted.

The EGS has undergone significant changes since its inception in 1972 and, in order to understand it as embodied in an Act brought into force on 1 October 1978, it is necessary to know the significant features of the original scheme and the changes introduced in it from time to time.

In the preamble to the original scheme (announced on 20 December 1974), it was clearly stated that the EGS was being adopted with a view to giving effect to the directive principles enshrined in the Constitution of India (Article 41), that the government 'shall make effort to provide employment to those who seek it'. This Article recognized, in principle, citizens' right to work, though it was not accepted as a legally bound duty of the State to provide employment to those who wanted it. The EGS was introduced as a first step in the direction of the recognition of the citizens' right to work and the responsibility of the Government to provide full employment emphasized that it desired to provide full employment, not just for the sake of providing gainful employment; it wanted to treat human labour as an important capital asset with the help of which it would create more capital assets. Thus the twin objective of EGS were employment and growth. The Government was aware that putting employment at the centre of economic planning is often regarded by some critics as a wasteful method of production. But the Government contended that "the social costs and consequences and the overt or direct challenge to the security of the nation in case the frustrations of these sectors of the community transcend the bounds of reason, are unmeasurably more heavy and dangerous. On the other hand, positive economic gains would accrue by the creation of community assets provided that appropriate types of works are selected for implementation in the area and labour-intensive techniques are adopted for maximization of output and optimum income distribution through wages. Thus the creation of capital assets, and redistribution of income through provision of gainful employment to the unemployed or underemployed, were important objectives of the scheme as it was envisaged in 1974.

The operational difficulties and deficiencies in implementing the

EGS were brought to the surface during the year 1974-75 and the State Government after careful review of the progress of the scheme, took steps to streamline the implementation of the scheme. The motion to constitute a legislature committee to examine, assess and evaluate the working of this scheme was moved by the Chief Minister in both the Houses of Legislature on 13 August 1975. The motion was passed by both the Houses and accordingly a Committee on Employment Guarantee Scheme representing the members of both the Houses of Legislature was constituted on 13 August 1975. Initially, the strength of the Committee was of 15 members of whom 11 members were to be nominated by the Speaker from amongst the members of the Assembly and 4 members were to be nominated by the Chairman from amongst the member of the Council. Subsequently in the year 1981-82, the strength of the Committee was increased to 25 members of which 20 members are to be nominated from the members of Assembly and 5 members are to be nominated from the Council. In proceeds of these taxes alongwith a contribution of equal amount from the general revenues of the State were credited to a separate fund called an Employment Guarantee Fund.

The existing Employment Guarantee Scheme operating in Maharashtra provides guarantee of employment to all able-bodied persons in rural areas who volunteer to do unskilled work and such employment is provided on productive works which will result in creation of durable community asset. However, there was no statutory obligation on the part of Government to provide employment under existing scheme. With a view to achieve this end, the State Government has decided to give statutory backing to this scheme. Thus the Government has given a statutory backing to the guarantee of employment through the Employment Guarantee Act 1977, which was brought into force from 26 January 1979. This is very important and far reaching legislation so far enacted by the State Government. Under the Act, every adult person in rural areas has acquired a legal right to get guaranteed unskilled manual employment.

Aims and objectives of the Scheme: The aim of the Employment Guarantee Scheme is to provide gainful and productive employet beneficial to the individual and productive to the economy of the State.

It is the objective of the scheme to provide opportunity of work to all unskilled persons in the rural areas including areas of 'C' class Municipal Councils, who need work and are prepared to do manual labour who cannot find it on their own. The guarantee of work restricted to unskilled manual work. The operation of the scheme has been so designed as to ensure that labour is deployed to the extent possible on existing construction activities in the area and responsibility is fixed upon the District Collector to ensure that the scheme does not adversely affect agricultural operations and production and that the scheme is not to be activated where work is available in planned area.

The Constitution and Definition of the Committee: Rule 241 of the Maharashtra Legislative Assembly Rules states–

(1) As soon as may be after the commencement of the first Session of the Assembly in every year or the first Session of a newly constituted Assembly, as the case may be, a Committee on Employment Guarantee Scheme shall be constituted.

(2) The Committee shall consist of not more than twenty-five members of whom not more than twenty members shall be nominated by the Speaker from amongst the members of the Assembly and not more than five members shall be nominated by the Chairman of the Council, from amongst the members of the Council.

(3) The members of the Committee shall hold office until a new Committee is constituted.

Rule 242 states–

(1) It shall be the duty of the Committee–

(i) to examine, assess and evaluate the working of the Employment Guarantee Scheme of the State Government with special reference to the benefits accrued to, and the impact made on, the people employed under the said scheme and to find out the deficiencies and shortcomings, if any, and to

suggest measures to remove them and to improve the said scheme; and

(ii) to recommend generally so as to conduce to its better working and to obtain the best results contemplated by the scheme thereunder.

Some of the important recommendations of the Committee: The Committee recommended in its first report, 1975-76, to provide wages for the workers at the minimum rate of Rs. 3/- per day constituting of seven hours of work. Subsequently time to time, the Committee has recommended for providing wages at the increased rates. At the taluka level the officers have been authorised to withdraw amount for payment of wages. However in order that the power cannot be misused, strict controls have been provided. It has been ensured that the workers under this scheme get their wages every week, a day before the bazar day. The recommendations include for providing medicines and first aid treatment for the labourers, for providing sheds for the children and women workers and also for providing facilities for drinking water. The Government has accepted all these recommendations. Steps have also been taken as recommended by this Committee, to provide work in the hilly and inaccessible areas of the State. The Committee has also made useful recommendations about the percolation tanks and irrigation tanks, nala bunding, repairs of tanks etc., The Committee has also recommended increasing the scope of the works which are taken up under this scheme. Recently Government has issued instructions to take water conservation schemes through the EGS.

LEGISLATIVE PRIVILEGES

A question of privilege may be raised in the House only after obtaining the consent of the Chairman or the Speaker, as the case may be. A member wishing to raise a question of privilege is required to give notice in writing to the Secretary at least one hour before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, and if the

document is in possession, power or control of the member, the notice is to be accompanied by the document. On receipt of the notice, the matter is considered by the Chairman/Speaker who may either give or withhold his consent to the raising of the question of privilege in the House.

After the Chairman/Speaker has given his consent to the raising of a matter in the House as a question of privilege, the member who tabled the notice has to ask for leave of the House to raise the question of privilege. When called by the Presiding Officer, the member concerned is permitted to make only a short statement relevant to the question of privilege. If objection to leave being granted is taken, the Presiding Officer requests those members who are in favour of leave being granted to rise in their seats. If 20 members rise in case of the Assembly and seven members in case of the Council rise accordingly, the Presiding Officers of the respective Houses intimate that leave is granted; otherwise the Presiding Officers inform the member concerned that he does not have leave of the House to raise the matter.

After leave is granted, the Chairman/Speaker may, in his discretion, refer the question to the Committee of Privileges for examination and report or refer it to the House for decision.

Commencement of the Privileges: At the commencement of the Assembly, or from time to time, as the case may be, the Speaker nominates from among the members of the Assembly a Committee of Privileges consisting of not more than eleven members. In case of the Council, the Chairman nominates not more than nine members from amongst the members of the Council.

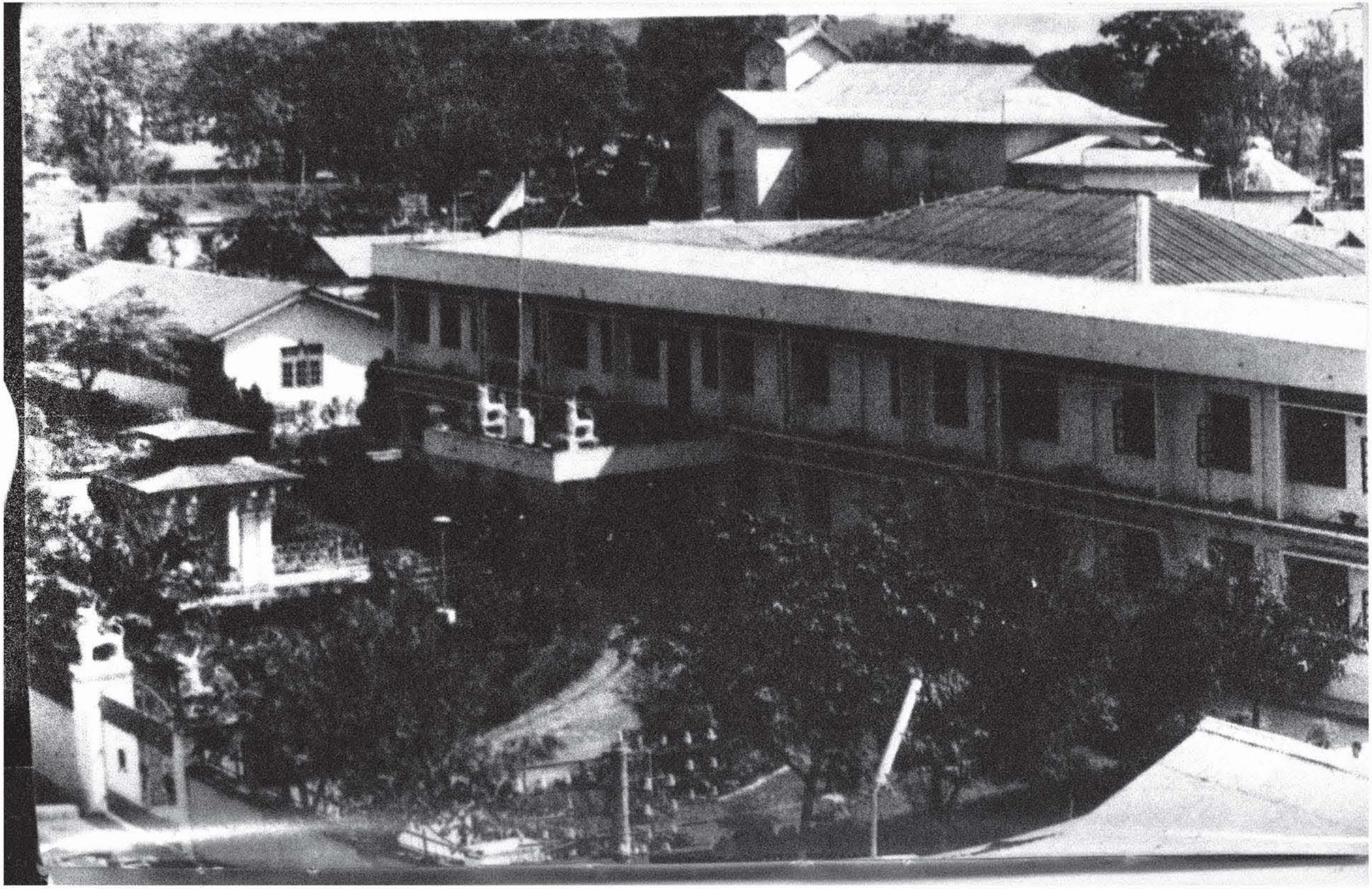
The Committee examines every question referred to it and after giving an opportunity to the persons concerned to explain their cases determines with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it, and makes a report to the Council/Assembly. The report may also state the procedure to be followed by the Council/Assembly in giving effect to the recommendation made by the Committee.

SERVICING OF LEGISLATURE

The Secretariat: The Legislature Secretariat of Maharashtra was a tiny organisation to start with. Over the years, it has grown considerably with 21 branches for dealing with different kinds of matters coming before the two Houses. The Secretary is the head of this organisation which serves both the Houses as permitted under the Constitution and is under the administrative control of the Board consisting of the Chairman of the Legislative Council and the Speaker of the Legislative Assembly. New rules of recruitment to the Secretariat Services have been framed. They give an adequate measure of autonomy so that it can function freely and independently.

LIBRARY COMMITTEE

The Library Committee of Maharashtra Legislature is an ad hoc committee. The Library Committee has to advise on all matters concerning the development of the Legislature Library. The Committee is constituted every year by Hon. Speaker and Hon. Chairman and works under the Chairmanship of Hon'ble Chairman. At present the Committee consists of twenty members, 14 from M.L.A. and 6 from M.L.C. (including Hon. Chairman and Hon. Speaker). The Committee has made mainly the selection of books for the Library. Normally the Committee meets each session at a suitable time when both the Houses are meeting.



MANIPUR

ORIGIN AND GROWTH

With the enactment of the Manipur State Constitution Act, 1947, by the then Maharaja, His Highness Maharaj Kumar Bodh Chandra Singh, the election to the Manipur State Assembly was held in July 1948 on the basis of adult franchise, the first of its kind in India. In all, 52 members were elected for a period of three years. It was a unicameral legislature. The State Assembly was the law-making authority but in actual practice the framing of laws was subject to the approval of the Maharaja. Later, on 15 October 1949, Manipur was merged with the then Dominion of India resulting in the dissolution of the State Assembly and the Council of Ministers. On adoption of the Constitution of India on 26 January 1950, Manipur became a part C State. The Union Territories (Laws) Act, 1950 came into force on 16 April 1950 and the Chief Commissioner became the Administrator of the State. A Council of Advisors with five members, three from the valley and two from the hill areas was constituted on 6 May 1953 to assist the Administrator and it continued to function till the election to the Territorial Council in 1957. The same year, under the Union Territories Act, 1956, election of 30 members of the Territorial Council was held.

Manipur had a Legislative Assembly consisting of 30 elected members under the Government of the Union Territories Act, 1963. There was a Council of Ministers to aid and advise the Administrator. The Assembly had the power to make laws with respect to all subjects enumerated in the State List and the Concurrent List in the Seventh Schedule of the Constitution insofar as any such matters are applicable in relation to the Union Territories. With the declaration of statehood on 21 January 1972, election to the Legislative Assembly of the full- fledged State of Manipur was held in February 1972.

← State Legislature Building, Manipur.

STRUCTURE OF THE LEGISLATURE

The structure of the Legislature of Manipur State is unicameral. From 1972 onwards, when Manipur became a full-fledged state, there are 60 members in the Legislative Assembly. There is no nominated member and all the 60 members are elected on the basis of adult franchise.

The normal tenure of the Assembly is five years.

PARTIES AND MEMBERS

Parties in Legislature: There is multi-party system in Manipur. The political parties recognised in the House are: Manipur People's Party, Communist Party of India; Indian National Congress (I); Kuki National Assembly, National People's Party and Indian National Congress (S).

Leader of the Opposition: As per the Rules of Procedure, the Leader of the Opposition means the Leader of the recognised party in the opposition and recognized as such by the Speaker. The salary and allowances and other facilities of the Leader of the Opposition are similar to those of a Minister.

Qualifications of Membership: The qualifications and disqualifications for membership of the Legislative Assembly are laid down in the Constitution and also in the Representation of the Peoples Act, 1951. For membership of the Legislative Assembly, residence in constituency is not necessary.

Oath / Affirmation: A member who has not already made and subcribed an oath or affirmation, in pursuance of Article 188 of the Constitution, may do so at the commencement of a sitting of the House, or at any other time of the sitting of the House, as the Speaker may direct on any day after giving previous notice in writing to the Secretary.

The tenure of membership of the Manipur Legislative Assembly is five years.

Salaries and other facilites: A member shall be entitled to receive a salary at the rate of Rs. 1,000/- only per month during the whole of his

term of office and an allowance at the rate Rs. 100/- only for each day during any period of residence on duty. A member shall be entitled to a constituency allowance of Rs. 1,100/- only, a contingency allowance of Rs. 1,300/- and an entertainment allowance of Rs. 300/- only p.m. in addition to the salary and other allowances. A member shall be entitled to the service of a personal peon-cum-driver on payment of a consolidated pay of Rs. 1,400/- p.m. who shall be appointed at his pleasure during the term of his office. Besides, a member is provided the following facilities:

(a) *Housing facilities*: A member shall be entitled, without payment of rent, to the use of such furnished residential accommodation as may be prescribed during the term of his office and for a period of fifteen days immediately thereafter, and no such charge shall fall on the Member personally in respect of the maintenance of such accommodation:
Provided that there shall be paid a compensatory allowance of Rs. 300/- per month to a member so long as such accommodation is not allotted or availed of.

(b) *Medical facilities*: A member and his family members are entitled to free accommodation in hospitals maintained by the Government and also to medical treatment in accordance with the Medical Attendance Rules, as amended from time to time, and applicable to a Class I officer serving in the State of Manipur.

(c) *Telephone facilities*: A member is provided with telephone facilities by installing a telephone at his residence at the cost of the State Government provided that the member resides at a place where telephone facility is available within the State, subject to such conditions as may be prescribed by rules or orders made under this Act. Only the rental charges are to be borne by the Assembly Secretariat. The other call charges are to be borne by the members concerned.

(d) *Transport facilities*: Every member of the Assembly is provided with one free non-transferable pass entitling him to travel at any time in any part of the State of Manipur by such road transport service, in such class of accommodation, subject to such conditions as may be prescribed by rules or

orders made under the Salaries and Allowances of Members of the Legislative Assembly (Manipur) Act, 1972.

(e) *Stenographic and typing facilities*: An M.L.A. Service Section in the State Assembly Secretariat looks after the requirements of members with regard to this facility.

(f) *Research, reference and library facilities*: There is a separate library and research cell in the Assembly Secretariat.

Resignation: A member wishing to resign his seat in the House can do so in the form prescribed. As soon as possible, the Speaker on receipt of the letter of resignation, if he is satisfied about the genuineness and voluntary nature thereof, informs the House that such and such member has resigned his seat in the House. If the House is not in session, the Speaker informs the House of it immediately after it reassembles. The resignation takes effect from the date and time specified in the letter of resignation.

Absence from House: A member wishing to obtain permission of the House for remaining absent from the sittings thereof is required to make an application in writing to the Speaker indicating the period for which he may be permitted to be absent from the sittings of the House. Such application is set down for consideration by the House soon after its receipt, as may be ordered by the Speaker, and on the day so fixed is considered by the House immediately after questions, and before any other business for the day is entered upon.

The Speaker decides the manner in which the decision of the Assembly is taken on such application. The Secretary informs the member, as soon as possible, of the decision of the Assembly on his application. If a member who has been granted leave of absence attends the session of the House during the period of his leave, the unexpired portion of the leave from the date of his resumed attendance lapses. If a member is absent without permission for all meetings of the Assembly form a period of 60 days or more, computed in the manner provided in the proviso to Article 190(4) of the Constitution, the Leader of the House or any other member may move that such member's seat be declared vacant. Three days' notice of such a motion is necessary and a complete statement of the dates on which the

member was absent is to be appended to it. The Secretary, after the motion is carried, causes the information to be published in the Gazette and forwards a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

Committee on Absence of Member: There is a Committee of the House known as the Committee on Absence of Members which deals with applications from members for leave of absence and other cognate matters. It consists of nine members nominated by the Speaker and holds office for a term not exceeding one year. The functions of the Committee are to consider all applications from members for leave of absence from the sittings of the House; and to examine every case where a member has been absent for a period of sixty days or more, without permission, from the sittings of the House and to report whether the absence should be condoned or circumstances of the case justify that the House should declare the seat of the member vacant. The Committee also performs such other functions in respect of attendance of members in the House as may be assigned to it by the Speaker from time to time.

Expulsion: The Speaker preserves order and may direct any member, whose conduct, in his opinion, is disorderly, to withdraw immediately from the House and the member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's sitting. If a member, when ordered by the Speaker to withdraw under the rule mentioned above, does not obey or if a member is ordered to withdraw a second time in the same session, the Speaker may name him. As soon as a member is named, the Leader of the House may forthwith make a motion to the effect that the member so named be suspended from the service of the House for the period to be mentioned in the motion. There is no discussion on such a motion. Provided that the period should in no case be longer than the remainder of the session. It is also provided that the House may at any time, on a motion being made, resolve that such suspension be terminated.

SESSIONS AND SITTINGS

The Legislative Assembly is summoned by the Governor from time to

time at such time and place as he may appoint. In terms of Article 174(2) of the Constitution, the Governor is empowered to prorogue or dissolve the State Legislature

Issue of Summons: The summons are ordinarily issued by the Secretary of the Assembly to each member specifying the date, time and place for a session of the House along with the notification order of the Governor.

Emergent / Secret / Short Notice Sessions: The Governor, from time to time, can also summon the Assembly for holding emergent or secret sessions for reasons he thinks fit. So far, the Manipur Legislative Assembly had no such sessions. In the event of a short notice session, summons may not be issued to each member separately but an announcement of the date, time and place of the session may be published in the Gazette and made in the press. Members may also be informed telegraphically.

Table 1 below shows the number of sessions held by the successive Assemblies so far:

Table 1: Number of Sessions Held by Each Successive House

Name of the House	Period	No. of Sessions Held
First Assembly	23.3.1972 to 28.3.1973	3
Second Assembly	4.3.73 to 14.11.1979	15
Third Assembly	14.1.1980 to 4.1.1985	10
Fourth Assembly	23.2.1990 to till date	9 (up to 22.9.1992)

BUSINESS OF THE HOUSE

Order of Business: The business of the House is transacted in the following order:

(i) Oath or affirmation;
(ii) Questions (including Short Notice Questions;
(iii) Obituary references;

(iv) Papers to be laid on the Table;
(v) Communication of messages from the Governor;
(vi) Intimation regarding President's/Governor's assent to Bills;
(vii) Communication from Magistrates or other authorities regarding arrests or detention or release of members;
(viii) Presentation of reports of Committees;
(ix) Laying of evidence before Select Committee in respect of Bills;
(x) Presentation of Petitions;
(xi) Questions involving breach of privilege;
(xii) Leave to move motions for adjournment of the business of the House;
(xiii) Calling attention notices;
(xiv) Announcement by the Speaker regarding leave of absence of members from the sitting of the House;
(xv) Announcement by the Speaker regarding various matters, e.g. resignation of members of the House, nomination of panel of Chairmen, Committees, etc.
(xvi) Ruling or announcement by the Speaker;
(xvii) Miscellaneous statements by Ministers;
(xviii) Personal statement by Ex-Minister in explanation of his resignation;
(xix) Motion for election to Committee;
(xx) Motion for extension of time for presentation of report of Select Committee on a Bill;
(xxi) Bill to be withdrawn;
(xxii) Bill to be introduced;
(xxiii) Laying of explanatory statement giving reasons for immediate legislation by ordinances;
(xxiv) Motion for adoption of Report of Business Advisory Committee;
(xxv) Motion for leave to move resolution for removal of Speaker/Deputy Speaker;
(xxvi) Motion for leave to make a motion of no confidence in the Council of Ministers; and

(xxvii) Consideration of report of the Committee of Privilege.

Business Advisory Committee: There is a Business Advisory Committee consisting of not more than nine members, including the Speaker and the Deputy Speaker, to recommend the time that should be allocated for the discussion or the stage or the stages of such Government Bill or any other business as the Speaker, in consultation with the Leader of the House, may direct for being referred to the Committee. The Speaker is the *ex-officio* Chairman of the Committee. The Committee shall have such other functions as may be assigned to it by the Speaker from time to time.

List of Business: A list of business for the day is prepared by the Secretary and a copy is made available for the use of every member. No business not included in the list of business for the day is transacted at any sitting without the leave of the Speaker. No business requiring notice is ordinarily set down for a day before the period of the necessary notice has expired unless the Speaker otherwise directs. The following items can also be taken up without an entry in the List of Business:

Point of Order: The following motions may be made, if the Speaker permits, without notice:

(i) Motion for condolence or congratulations;
(ii) Motion for adjournment of a meeting;
(iii) Motion for the withdrawal of strangers;
(iv) Motion for electing members to Committees;
(v) Motion for withdrawal of a Bill, a resolution or a motion or amendment thereto;
(vi) Motion for postponement of any business;
(vii) Motion for suspension of a rule;
(viii) Motion for closure of debates;
(ix) Motion to extend duration of a meeting; and
(x) Motion of Thanks on Governor's Address.

Private Members' Business: The last two and a half hours of every Friday are allotted for the transaction of Private Members' business.

The Speaker may, in consultation with the Leader of the House and Leader of the Opposition, allot any day other than Friday for the transaction of Private Members' business. There is no Committee on Private Members' Business in the Legislative Assembly.

Rules of Debate: If a member rises to speak, his name is called by the Speaker. Generally, a member who desires to participate in a discussion should submit his name to the Speaker and the Speaker then arranges the order of the members who desire to speak. Reading of speeches is normally not allowed, unless the Speaker specifically permits it. The Speaker may, if he thinks fit, prescribe a time limit for speeches after taking the sense of the House. Except as otherwise provided, no member can speak more than once on any motion except for the purpose of making personal explanation and then only with the permission of the Speaker, and in such case no debatable matter may be brought forward.

Voting Procedure: Rules provide for 'Voice Vote' and 'Show of Hands' as the methods of voting. Electronic Voting Machines and 'Roll-Call' methods are not adopted. Casting of ballot papers is adopted only in the case of election. The method of 'Division in Lobbies' is also adopted.

Proceedings: The business of the House is transacted in Manipuri and English. The title of the debate is 'Assembly Proceedings'. The verbatim record of the debates is taken during the sitting of the House. Bulletin Part-I, which is made available or distributed to all the members on the very next day of each sitting, is maintained as the brief daily record of the business transacted by the House. Uncorrected debates for confirmation by the concerned members are normally issued on the next day of a sitting. The texts of the debates are usually edited and printed within six weeks of each sitting of the House. There is no provision for simultaneous interpretation.

PRESIDING OFFICERS

The Speaker *pro tem* is appointed by the Governor when the offices of the Speaker and Deputy Speaker fall vacant. Normally the seniormost member of the Assembly is chosen for the appointment of the Speaker *pro tem*. After his appointment, the Speaker *pro tem* continues in office

till the Speaker is chosen. He enjoys all the powers of the Speaker under the Constitution and the Rules of Procedure. He is paid the same salary and allowances which are provided to a member of the Assembly.

When at the beginning of the new Assembly or owing to a vacancy in the office of the Speaker, the election of a Speaker becomes necessary, the Governor fixes a date for holding of the election, and the Secretary sends to every member a notice thereof.

The date so fixed, in the case of a vacancy occurring during the term of the Assembly, should not be beyond 15 days from the date of the occurrence of the vacancy if the Assembly is sitting, and the date on which the Assembly first meets thereafter, if it is not so sitting.

At any time before noon on the day preceding the date so fixed, any member may give notice in writing, addressed to the Secretary, of a motion that another member be chosen as the Speaker of the House. Such notice is to be seconded by a third member and is required to be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Speaker, if elected. A member cannot propose his own name, or second a motion proposing his own name or propose or second more than one motion.

The nomination paper is to be delivered to the Secretary either by the candidate himself or by the proposer or the seconder in person. If the day preceding the date so fixed is a holiday or one of a series of holidays the nomination paper is delivered as aforesaid before noon on the day previous to the holiday or holidays, as the case may be.

On the date fixed for election in the case of a new Assembly, the member appointed by the Governor to preside and in any other case the Deputy Speaker or the member presiding, as the case may be, reads out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders. At any time before the election any candidate so nominated may withdraw his name for the election by informing the Presiding Officer orally or in writing about it. If after the withdrawals, if any, only one member remains nominated, he is declared elected and it is not necessary to make a formal motion in that behalf. If more than one member remains nominated, the Presiding Officer calls the members in whose names the motions stand, one by one, to move the motions,

and the mover confines himself to a mere statement to that effect. A member is not deemed to have been duly nominated if either he or his proposer or seconder has not, before the names are read out, made the oath or affirmation as member of the Assembly.

The voting on each motion is by ballots. Where more than two candidates have been nominated and at the first ballot one of such candidates obtains more votes than the aggregate votes obtained by the other candidates, he is declared elected.

If no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes is excluded from the election and the balloting proceeds. The candidates obtaining the smallest number of votes at each ballot are excluded from election until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be. Where at any ballot any two or more candidates obtain an equal number of votes, the candidate to be excluded from the election is determined by drawing lots.

When either at the beginning of a new Assembly or owing to the existence of any vacancy in the office of the Deputy Speaker at any time during the life of an Assembly, the election of the Deputy Speaker becomes necessary, the Governor when there is no Speaker, or the Speaker when there is a Speaker, fixes a date for holding of the election. The date so fixed should in the case of a vacancy occurring during the term of an Assembly, be not beyond thirty days from the date of occurrence of the vacancy if the Assembly is at the moment sitting, and the date on which the Assembly first meets thereafter if it is not so sitting. The Secretary sends to every member notice of the date so fixed, unless the same is announced to the House by the Speaker. The election for Deputy Speaker takes place at a meeting of the Assembly. The procedure adopted for the election of the Deputy Speaker is the same as for the election of the Speaker of the Assembly.

The term of office for both the Speaker and Deputy Speaker is five years.

The status of the Speaker and the Deputy Speaker is that of a Cabinet Minister and a Minister of State, respectively. The Speaker and the Deputy Speaker are paid the salaries and allowances as that

of a Cabinet Minister and a Minister of State. They are entitled to free residential accommodation. Besides, they and the members of their family are entitled to free of charge accommodation in hospitals maintained by the Government, and also to medical treatment in accordance with the Medical Attendance Rules, as amended from time to time, and as applicable to a Class I officer serving in the State.

The Speaker is supreme in matters relating to the House. He is Head of the Legislature Secretariat. He can create additional posts in the Assembly Secretariat for which the concurrence of the Finance Department is required.

The removal of Speaker or Deputy Speaker from office is dealt under Rule 307 of the Rules of Procedure and Conduct of Business of the Manipur Legislative Assembly. A member wishing to give notice of a resolution under Clause (C) of Article 179 of the Constitution for the removal of the Speaker or the Deputy Speaker can do so in writing to the Secretary. A resolution for the removal of the Speaker or the Deputy Speaker must specify the charges against him.

The Names and tenure of the Speakers and Deputy Speakers of Manipur Legislative Assembly since its inception are given in Table 2 and 3 below:

Table 2: Statement Showing the Names and Tenure of Speakers

Name	Tenure	
	From	To
Shri T.C. Tiankham	19.11.1948	15.12.1949
Shri Kh. Ibetombi Singh	27.7.1963	20.3.1967
Shri S. Tombi Singh	21.3.1967	24.10.1967
Shri Sibo Larho	5.3.1968	29.3.1972
Dr. L. Chandramani Singh	30.3.1972	8.3.1974
Shri R.K. Dorendra Singh	26.3.1974	5.12.1974
Md. Alimuddin	16.12.1974	4.9.1975
Dr. L. Chandramani Singh	18.9.1975	21.10.1978
Shri R.K. Ranbir Singh	12.1.1979	18.2.1980
Shri Y. Yaima Singh	18.2.1980	23.1.1985
Shri W. Angou Singh	24.1.1985	20.12.1988
Shri Th. Devendra Singh	20.12.1988	2.3.1990
Dr. H. Borobabu Singh	2.3.1990	till date

Table 3: Statement Showing the Names and Tenure of Deputy Speakers

Name	Tenure	
	From	To
Shri T. Bokul Singh	19.11.1948	15.10.1949
Shri Solomon	16.8.1963	15.11.1965
Md. Alimuddin	10.12.1965	12.1.1967
Shri Kh. Chaoba	3.4.1967	24.10.1967
Shri L. Ibomcha Singh	3.4.1968	20.10.1969
Shri Atomba Ngairangbamcha	25.5.1972	26.3.1973
Shri Th. Ghaoba Singh	19.4.1974	30.7.1974
Shir N. Paoheu	16.8.1974	10.3.1975
Shri Ngurdinglien	8.4.1975	16.7.1977
Shri O. Joy Singh	26.10.1977	14.11.1979
Shri H. Lokhon Singh	17.3.1980	14.12.1980
Shri W. Angou Singh	6.7.1981	4.1.1985
Shri H. Sanayaima Singh	19.2.1985	18.2.1990
Shir M. Manihar Singh	21.3.1990	24.7.1990
Shri N. Mangi Singh	25.9.1990	till date

PROCESS OF LEGISLATION

Following are the essential stages of the process of legislation:

(i) Publication of Bills before introduction;
(ii) Notice for leave to introduce the Bill;
(iii) Introduction of the Bill;
(iv) Discussion on the principles of the Bill;
(v) Clause by clause consideration and amendments, if any;
(vi) Consideration of 'Schedules';
(vii) Voting on groups of clauses and schedules;
(viii) Passing of Bills;
(ix) Assent to Bills; and
(x) Reconsideration of Bills returned by the Governor.

A Bill can be introduced either by a Minister or a Private Member. In the case of the former, it is called a 'Government Bill' and in the case of the latter it is known as a Private Members' Bill. In the case of Government Bills, copies of the Bill are made available to members three clear days before the day on which the motion is made. The Bill carries an explanatory statement of Objects and Reasons.

The period of notice of a motion for leave to introduce a Private Members' Bill is five days unless the Speaker allows the motion to be made at short notice. A private member desiring to move for leave to introduce a Bill may give notice of his intention and together with the notice can submit a copy of the Bill along with a statement of Objects and Reasons which should not contain any argument. The Speaker may, if he thinks fit, revise the Statement of Objects and Reasons. If notice is given of a motion to introduce a Bill or to move any amendment which, in the opinion of the Speaker, cannot be introduced or moved, save with the previous sanction of the President or the recommendation of the Governor, the Speaker can, as soon as may be after the receipt of the notice, refer the Bill or the amendment to the President or the Governor, as the case may be.

The relative precedence of notices of Bills given by private members is determined by ballot to be held in accordance with the directions given by the Speaker on such day, not being less than fifteen days before the day with reference to which the ballot is held, as the Speaker may appoint. The relative precedence of the said Bills already introduced and pending in the House is determined in the following order

(a) Bills returned by the Governor with message under Articles 200 and 201;
(b) Bills in respect of which motions have been made that they be passed;
(c) Bills in respect of which motions have been carried that they be taken into consideration;
(d) Bills in respect of which reports of Select Committee have been presented;
(e) Bills which have been circulated for the purpose of eliciting opinions; and

(f) Bills introduced and in respect of which no further motion has been made or carried.

Whenever a private member gives notice of his intention to move for leave to introduce a Bill, the Secretary, as soon as possible, sends a copy thereof together with the Statement of Objects and Reasons to the Minister concerned, if it has obtained a place in the ballot.

Money Bills, Financial Bills and Finance Bills are not catgorised but treated as one. The Governor's approval is taken before their introduction. Other Bills, which are not Finance Bills may not take Governor's approval for their introduction.

A Bill involving expenditure is accompanied by a financial memorandum which invites particular attention to clauses involving expenditure and also gives an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law. The clauses or provisions in Bills involving expenditure from public funds are printed in bolder type or in italics.

There is a special provision regarding Bills relating to Hill Areas. When a Bill, other than a Money Bill, affecting the Hill Areas and containing mainly provisions dealing with any of the scheduled matters is introduced or on some subsequent occasion, the member-in-charge may make the following motion in regard to his Bill, namely:-

"That it be referred to the Hill Areas Committee."

On the date on which the motion referred to above is made or on any subsequent date to which the discussion thereof is postponed, the principles of the Bill and to explain its general provisions may be discussed, but the details are not discussed further than is necessary to explain its principles.

When a Bill has been referred to the Hill Areas Committee, the Committee follows the procedure laid down in the Rule of Procedure. After the presentation of the Report of the Hill Areas Committee on a Bill, the member-in-charge may move that the Bill as reported by the Hill Areas Committee, be taken into consideration. Provided that any member of the House may object to its being taken into consideration if a copy of the report has not been available for the use of members for three days before the day on which the motion is made and such

objection prevails unless the Speaker allows the report to be taken into consideration. The debate on a motion that the Bill as reported by the Committee be taken into consideration is confined to consideration of the report of the Committee and matters referred to in that report or any alternative suggestions consistent with theprinciples of the Bill. A member of the Hill Areas Committee who signs the report of the Committee without a minute of dissent cannot move an amendment to the Bill when it is under consideration in the House.

As soon as may be, after a Bill has been referred to the Hill Areas Committee, the Committee meets from time to time in accordance with Rule 224 to consider the Bill and makes a report thereon within the time fixed by the House. Provided that the House may, at any time on a motion being made, extend the time for the making of their report to a date to be specified in the motion. The report of the Hill Areas Committee on the Bill together with minutes of dissent, if any, is presented to the House by the Chairman thereof or in his absence, by any member of the Hill Areas Committee.

When a Bill as reported by the Hill Areas Committee is not passed by the Assembly in the form in which it has been reported but is passed in a form which, in the opinion of the Speaker, is substantially different from that reported by the Hill Areas Committee, or is rejected by the Assembly, the Speaker shall submit to the Governor:

(a) in case the Bill has been passed by the Assembly in a substantially different form, the Bill as passed by the Assembly together with the Bill as reported by the Hill Areas Committee; and
(b) in case the Bill is rejected by the Assembly, the Bill as reported by the Hill Areas Committee.

When a Bill is not approved by the Hill Areas Committee but is passed by the Assembly, the Speaker shall submit to the Governor the Bill as passed by the Assembly together with the report of the Hill Areas Committee.

The Governor shall, as soon as possible, after the submission to him of the Bill, return the Bill to the Assembly with a message recommend-

ing either that the Bill be withdrawn or that it be passed in the form in which it has been reported by the Hill Areas Committee or in the form in which it has been passed by the Assembly and the message received from the Governor shall be reported by the Speaker to the Assembly and accordingly the Bill shall be deemed to have been withdrawn, or as the case may be, deemed to have been passed by the Assembly in the form recommended by the Governor.

Ratification of Constitution Amendment Bill: If a message from a House of Parliament for the ratification of an amendment of the Constitution under the proviso to Article 368 of the Constitution is received by the Secretary when the House is in session, he shall report the message to the House at the earliest opportunity after its receipt and lay the same on the table. The Secretary shall forward a copy of the message to the State Government at the first convenient opportunity after its receipt. Copies of the Bill as passed by the House of Parliament making provision for the proposed amendment to the Constitution received with the message shall be forwarded to the State Government and shall be made available for the use of members. After the message has been laid on the table any member may, after giving three days' notice, or with the consent of the Speaker at shorter notice, move a resolution that the amendment to the Constitution proposed by the Bill be ratified. Provided that any member may object to the resolution being moved if copies of the Bill have not been available for the use of members for three days before the resolution is moved and such objection to be moved. The Speaker shall, in consultation with the Leader of the House, fix a date for a discussion on the resolution. No amendment shall be proposed to such a resolution. The Speaker may, if he thinks fit, prescribe a time limit for speeches. If the resolution is passed by the House, a message shall be sent to the House of Parliament from which the message was received, that the Assembly does not ratify the amendment.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

Question Hour: The first hour of every sitting is normally devoted to

Questions. The questions are of three types i.e. starred questions unstarred questions and short notice questions. A starred questions means a question on which supplementary questions arising out of the answer given can be put with the permission of the Speaker. It is distinguished by placing one asterisk. As unstarred question means a question of which a written reply may be given to the member concerned and on which no supplementary question is permissible. A short notice question is a question relating to matters of urgent public importance. It is distinguished by placing two asterisks. Supplementary questions arising out of the answer given can be put thereon with the permission of the Speaker.

In the case of starred and unstarred questions, not less than ten clear days' notice and in case of short notice questions, three clear days' notice is given in writing by the member to the Secretary.

Half-an-Hour Discussion: The Speaker allots half-an-hour for raising discussion on a matter of sufficient public importance which has been the subject of a recent question, oral or written, and the answer to which needs elucidation on a matter of fact. A member wishing to raise such a matter can give notice in writing to the Secretary two days in advance of the day on which the matter is desired to be raised.

Motion of No-confidence: Under the Rules of Procedure and Conduct of Business in Manipur Legislative Assembly, a motion expressing want of confidence in the Council of Ministers may be made with the consent of the Speaker subject to the following restrictions:

(a) leave to make the motion shall be asked for after questions and before the List of Business for the day is entered upon; and
(b) the member asking for leave must, before the commencement of the sitting for that day, deliver to the Secretary a written notice of the motion which he proposes to move.

Resolutions: A private member who wishes to move a resolution can give not less than five days' notice to the Secretary of his intention and shall together with the notice, submit a copy of the resolution which he wishes to move. No member, except with the permission of the

Speaker, is permitted to send in notice of more than five resolutions during one session of the Assembly. If the Government desire to move a resolution they give three days' notice and along with it supply a copy of the resolution to the Secretary, who sends copies to members within forty eight hours of its receipt. Provided that the Speaker may allow a shorter notice. A resolution may be in the form of a declaration of opinion, or recommendation or may be in the form so as to record either approval or disapproval by the House of an act or policy of Government, or convey a message or commend, urge or request an action; or call attention to a matter or situation for consideration by Government or in such other form as the Speaker may consider appropriate. The Speaker decides on the admissibility of a resolution and may at his discretion amend the form of a resolution so as to bring it into conformity with the rules. He may disallow any resolution or part there of if in his opinion it does not comply with the rules or is otherwise calculated to obstruct or prejudicially affect the procedure of the House.

Calling Attention Notice: A member desiring to call the attention of a Minister to any matter of urgent public importance can give notice not later than 10.00 hrs. of the day of the sitting to the Secretary on the day on which the matter is proposed to be raised. The Secretary then sends copy one of the notice to the Minister concerned. If the Speaker gives his consent to the said matter being raised, it is so done after the questions and before the List of Business is entered upon. The Minister may make a brief statement or ask for time to make a statement at a later hour or date. There is no debate on such statement at the time when it is made. Provided that the Speaker may, if he deems fit, permit questions for the purposes of clarification. Not more than one such matter is raised at the same sitting. In the event of more than one matter being presented for the same day, priority is given to the matter which, in the opinion of the Speaker, is more urgent and important.

Private Members' Business: The last two and a half hours of every Friday are allotted for the transaction of Private Members' Business and this business has precedence over official business unless the Speaker otherwise directs.

Governor's Address: At the commencement of the first session after

each general election to the Legislative Assembly and at the commencement of the first session of each year, or from time to time, the Governor may address the Assembly as required by Article 176 of the Constitution. On such day or days or part of any day, the House is at liberty to discuss the matters referred to in such address on a Motion of Thanks moved by a member and seconded by another member.

Petitions: Every petition is addressed to the House and concluded with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates. After its presentation under the rules, it is referred to the Committee on Petitions. The Committee on Petitions examines petitions on Bills and on matters of general public interest.

BUDGET IN LEGISLATURE

The Budget: The Annual Financial Statement or the Statement of the Estimated Receipts and Expenditure of the State in respect of each financial year is presented to the House on such days as the Governor may direct. The Budget is presented to the House in such form as the Finance Minister may, after considering the suggestions, if any, of the Estimates Committee, consider best. There is no discussion of the Budget on the day on which it is presented to the House. The Budget is dealt with by the House in two stages—

(i) a general discussion, and
(ii) the voting on Demands for Grants.

General discussion takes place on a day to be appointed by the Speaker which cannot be earlier than two days subsequent to the day on which the Budget is presented and for such time thereafter which is ordinarily five days, as the Speaker may allot for this purpose. The House is at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion can be moved at this stage, nor is the Budget submitted to the vote of the House. The Finance Minister has a general right of reply at the end of the discussion. The Speaker may, if he thinks fit, prescribe a time limit for speeches.

The voting of demands for grants takes place on such days (not exceeding 24 days) as the Speaker may, in consultation with the Leader of the House, allot for the purpose. The deamds for grants are presented in such order and discussion can continue for such time within the period allotted, as the Leader of the House, in consultation with the Leader of the Opposition, may determine. On the day allotted no other business except the question can be taken up without the consent of the Speaker. Motions may be moved at this stage to reduce or omit any grant but not to increase or alter the destination of a grant. No amendment to motions to reduce any grant is permissible. When several motions relating to the same demand are made, they can be discussed in the order in which the heads to which they relate appear in the Budget. On the last day of the days so allocated, half an hour or so before the close of the usual sitting of the day, the Speaker forthwith puts every question necessary to dispose of all the outstanding matters in connection with the demands for grants; and this procedure cannot be anticipated by any motion for adjournment or be interrupted in any manner whatsoever, not can any dilatory motion be moved in regard thereto.

Cut Motions: A motion may be moved to reduce the amount of a demand in any of the following ways:

(a) "that the amount of the demand reduced to Re.1" representing dispproval of the policy underlying the demand. Such a motion shall be known as "*Disapproval of Policy Cut*". A member giving notice of such a motion shall indicate in precise terms the particulars of the policy which he proposes to discuss. The discussion shall be confined to the specific point or points mentioned in the notice and it shall be open to members to advocate an alternative policy.

(b) "that the amount of the demand be reduced by a specified amount" representing the economy that can be effected. Such specified amount may be either a lump sum reduction in the demand or omission or reduction of an item in the demand. The motion shall be known as "*Economy Cut*". The notice shall indicate briefly and precisely the particular matter on which discussion is sought to be raised, and

speeches shall be confined to the discussion as to how economy can be effected;

(c) "that the amount of the demand be reduced by Rs. 100" in order to ventilate a specific grievance, which is within the sphere of the responsibility of the Government. Such a motion shall be know as *"Token Cut"* and the discussion thereon shall be confined to the particular grievance specified in the motion.

LEGISLATIVE COMMITTEES

At the commencement of the first session after each General Election and thereafter before the commencement of each financial year, or from time to time when the occasion otherwise arises, different committees for specific or general purposes are either elected or constituted by the House on a motion made or by nomination by the Speaker. No member is appointed to a Committee if he is not willing to serve on it.

The following are the present Committees of the House:

(1) Business Advisory Committee
(2) Committee on Public Accounts
(3) Committee on Estimates
(4) Committee on Government Assurances
(5) Committee on Delegated Legislation
(6) Committee on Petitions
(7) Rules Committee
(8) Committee on Privileges
(9) House Committee
(10) Library Committee
(11) Committee on the Welfare of Scheduled Castes and Scheduled Tribes
(12) Committee on Public Undertakings
(13) Committee on Absence of Members from the Sittings of the House.

These Committees generally have not more that nine members.

Standing Committees: The Estimates Committee, the Public Accounts Committee and the Public Undertakings Committee are the three standing financial committees of the House. Each Committee consists of not more than nine members who are elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote. No Minister is appointed a member of the Committee and if a member of the Committee is appointed a Minister, he ceases to be a member of the Committee from the date of such appointment.

Estimates Committee: The functions of the Committee are:

(a) to report what economies, improvement in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates, may be effected;
(b) to suggest alternative policies in order to bring about efficiency and economy in administration;
(c) to examine whether the money is well laid out within the limits of the policy implied in the estimates;
(d) to suggest the form in which the estimates shall be presented to the House.

The Committee may continue its examination of the estimates from time to time throughout the financial year and report to the House as its examination proceeds. It shall not be incumbent on the Committee to examine the entire estimates of any one year. The demands for grants may be finally voted notwithstanding the fact that the Committee has made no report.

Public Accounts Committee: In scrutinising the Appropriation Account of the State and report of the Comptroller and Auditor General of India it is the duty of the Public Accounts Committee to satisfy itself:

(a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or changed;

(b) that the expenditure conforms to the authority which governs it; and
(c) that every re-appropriation has been made in accordance with such rules as may be prescribed by the competent authority.

It is also the duty of the Public Accounts Committee:

(a) to examine the statement of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes and projects together with the balance sheets, and statement of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the Statutory rules regulating the financing of a particular corporation, trading concern or project and the report of the Comptroller and Auditor General thereon;
(b) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies the audit of which may be conducted by the Comptroller and Auditor General of India either under the directions of the Governor or by statute; and
(c) to consider the report of the Comptroller and Auditor General in a case where the Governor may have required him to conduct the audit of any receipts or to examine the accounts of stores and stock.

Public Undertakings Committee: The functions of the Committee are:

(a) to examine the reports and accounts of the public undertakings as specified by the Government from time to time and of such other public undertakings as may be referred to the Committee by the Speaker for examination;
(b) to examine the reports, if any, of the Comptroller and Auditor General on the public undertakings;
(c) to examine, in the context of autonomy and efficiency, if the

public undertakings are being managed in accordance with sound business principles and prudent commercial practices; and

(d) to exercise such other functions vested in the Committee on Public Accounts and the Committee on Estimates in relation to the Public Undertakings mentioned above as are not covered by Clause (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time. Provided that the Committee shall not examine and investigate any of the following, namely:

(a) matters of major Government policy as distinct from business or commercial functions of the public undertakings;
(b) matters of day to day administration; and
(c) matters for the consideration of which machinery is established by any special statute under which a particular public undertaking is established.

Several other Committees have also been constituted by the House from time to time to perform some specific duties and functions. These Committees are:

1. Select Committees on Bills
2. Fact Finding Committee
3. Language Committee
4. Boundary Committee
5. Committee on the Preservation of Palace Compound etc.
6. Hill Areas Committee.

Select Committee on Bills: The members of a Select Committee on a Bill are appointed by the House when a motion that the Bill be referred to a Select Committee is made and agreed to. The Select Committee consists of not more than ten members which includes the member in-charge of the Bill and other members, to be elected by the method of proportional representation by means of single transferable vote.

The procedure in a Select Committee is, as far as practicable, the same as is followed in the House during the consideration stage of a Bill, with adaptations, whether by way of modification, addition or omission, as the Speaker may consider necessary or convenient for the proper working of the Committee.

A Select Committee may hear expert evidence and representatives of special interest affected by the measures before them. The discussion of a Select Committee cannot be disclosed by any person present in the sitting nor can any reference to such discussion be made in the House. The evidence given before a Select Committee may be made available to all members of the Committee. The Committee may direct that the whole or a part of the evidence or a summary given before a Select Committee are not published by any other person until it has been laid on the Table of the House. Provided that the Speaker may in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table.

Soon after a Bill has been referred to a Select Committee, the Committee meets from time to time in order to consider the Bill and makes a report thereon within the time fixed by the House. In case the House has not fixed any time for the presentation of the report, the report is presented before the expiry of three months from the date on which the House adopted the motion for the reference of the Bill to Select Committee. The motion being made, the House may direct that the time for the presentation of the report by a Select Committee be extended to a date specified in the motion. The report of the Committee may be either preliminary or final. The Secretary causes every report of Select Committee to be printed and a copy of the report is made available for the use of every member of the House. The report and the Bill, if amended, and as reported by the Select Committee, is published in the Gazette and a copy of the amended Bill is supplied to every member.

Hill Areas Committee: The Manipur Legislative Assembly Hill Areas Committee Order, 1972, provides for a Hill Areas Committee of the Assembly consisting of all the members of that Assembly who, for the time being, represent the Assembly constituencies situated wholly or partly in the Hill Areas of the State. The Chief Minister and the

Speaker cannot be members of the Committee. Every Minister (including Minister of State or Deputy Minister) of the state has the right to speak in, and otherwise take part in the proceedings of the Committee, but cannot, by virtue of such right, be entitled to vote at any meeting of the Committee if he is not a member thereof.

The Hill Areas Committee elects two of its members to be Chairman and Vice-Chairman thereof, respectively. If the office of the Chairman or the Vice-Chairman becomes vacant, the Committee elects another member to be Chairman or Vice-Chairman, as the case may be.

The Chairman of the Hill Areas Committee is elected by the members of the Committee from among themselves on such date as Government may fix for the purpose and the Secretary sends to every member the notice of the date so fixed. The date so fixed shall not be beyond 30 days from the date on which the House first meets in case of vacancy at the beginning of a new Assembly and 15 days from the date of occurrence of the vacancy, if the vacancy occurs at any time during the term of the Assembly.

At any time before noon on the day preceding the date so fixed, any member may give notice in writing addressed to the Secretary, of a motion proposing the name of another member for the office of the Chairman and the proposal shall be accompanied by a statement of the member whose name has been proposed that he is willing to serve as Chairman if elected. A member cannot propose his own name or propose or second more than one motion. A member in whose name a motion stands on the List of Business may, when called, move the motion or withdraw the motion, and shall confine himself to a mere statement to that effect.

The motions which have been moved and duly seconded are put one by one in the order in which they have been moved and decided, if necessary, by division. If any motion is carried, the person presiding shall, without putting the latter motions, declare elected the member proposed in the motion. Before the election of a Chairman, the Governor appoints a member of the Hill Areas Committee who does not intend to contest the election, to preside at the meeting.

The procedure for the election of the Vice-Chairman is the same as

that in respect of the Chairman except that the date for election is fixed by the Chairman and the Chairman presides at the meeting.

The functions of the Committee are to consider the following matters:

(i) all scheduled matters insofar as they relate to the Hill Areas;
(ii) every Bill, other than a Money Bill, affecting wholly or partly the Hill Areas and containing mainly provisions dealing with any of the Scheduled matters, after introduction in the Assembly, and report to the Assembly;
(iii) consideration and passing of resolutions recommending to the Government of the State any legislation or executive action affecting the Hill Areas with respect to any scheduled matter, if that executive action relates to general questions of policy and the legislation or executive action is in conformity with the overall financial provision for the Hill Areas made in the annual budget or contemplated in the Plans of the State; and
(iv) discussion on the annual financial statement insofar as it relates to the Hill Areas and to facilitate such discussion, the said statement shall, as far as may be practicable, show separately the estimates of receipts and expenditure pertaining to the Hill Areas which are to be credited to, or are to be met from the Consolidated Fund of the State.

In its functioning, the Hill Areas Committee shall endeavour to:

(a) safeguard the interest of the people of the Hill Areas, particularly through accelerated development of those areas: and
(b) promote unity between the people of the Hill Areas and other areas of the State by aiming at an integrated and evenly based economic growth of those areas and augment the resources of the State as a whole.

Before the Five Year Plan and Annual Plans of the State are finalised by the Government of the State, proposals in this behalf, which show separately the Plan schemes proposed to be taken up in the Hill Areas and the rest of the State, are placed before the Hill Areas Committee and the views of the Committee are taken into account before the Plans are finalised. The Government of the State forwards to the Hill Areas Committee quarterly reports showing the progress of implementation of the Plans relating to the Hill Areas.

LEGISLATIVE PRIVILEGES

The members of the Legislature and its Committees enjoy the immunities and privileges under the provision of Article 194 of the Constitution. A question involving a breach of privilege either of a member of the House or a Committee thereof may, with the consent of the Speaker, be brought to the notice of the House by:

(i) a complaint from a member;
(ii) a report from the Secretary;
(iii) a report from a committee;

Provided that if the breach is committed in the actual view of the House, the House may take action without any complaint. Provided further that if the complaint is against a member, the Speaker may hear him before giving his consent.

A member wishing to raise a question of breach of privilege can give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the Complaint is based on a document, the original document or a copy thereof shall accompany the notice. The right to raise question of privilege is governed by the following conditions, namely:

(i) not more than one question shall be raised at the same sitting;
(ii) the question shall be restricted to a specific matter of recent occurrence; and

(iii) the matter requires the intervention of the House.

The Speaker, if he gives consent under Rule 78 and holds that the matter proposed to be discussed is in order, shall call the member concerned who shall rise in his place and, while asking for leave to raise the question of privilege make a short statement relevant thereto. Provided that where the Speaker has refused his consent under Rule 78 or is of the opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of question of privilege ad state that he refuses consent or holds that the notice of privilege is not in order. Provided further that the Speaker may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any time during the course of a sitting after the disposal of questions.

Committee on Privileges: The Committee on Privileges consists of nine members including the Deputy Speaker, nominated by the Speaker. The Deputy Speaker is the Chairman of the Committee. The quorum to constitute a sitting of the Committee is four. The Committee examines the question referred to it in the light of the evidence and the circumstances of the case and determines whether any breach of privilege has been committed, the nature of such breach, the circumstances leading to it and makes such recommendations as it may deem proper.

SERVICING OF LEGISLATURE

The Secretary: At present the post of Secretary is lying vacant. Shri N. Hera Singh is acting as Secretary-in-charge. The Secretary is Head of the Secretariat. All the business to be transacted in the House or its committees has to pass through the Secretary. He scrutinises all the pay bills of the Secretariat, and exercises powers in respect of administrative matters and overall control and supervision of the staff.

The status of the Secretary is similar to that of any other Secretary to the Government of Manipur. Table 4 gives the names of the successive Secretaries with their tenure since the First Assembly.

Table 4: Sucessive Heads of the Legislative Assembly Secretariat

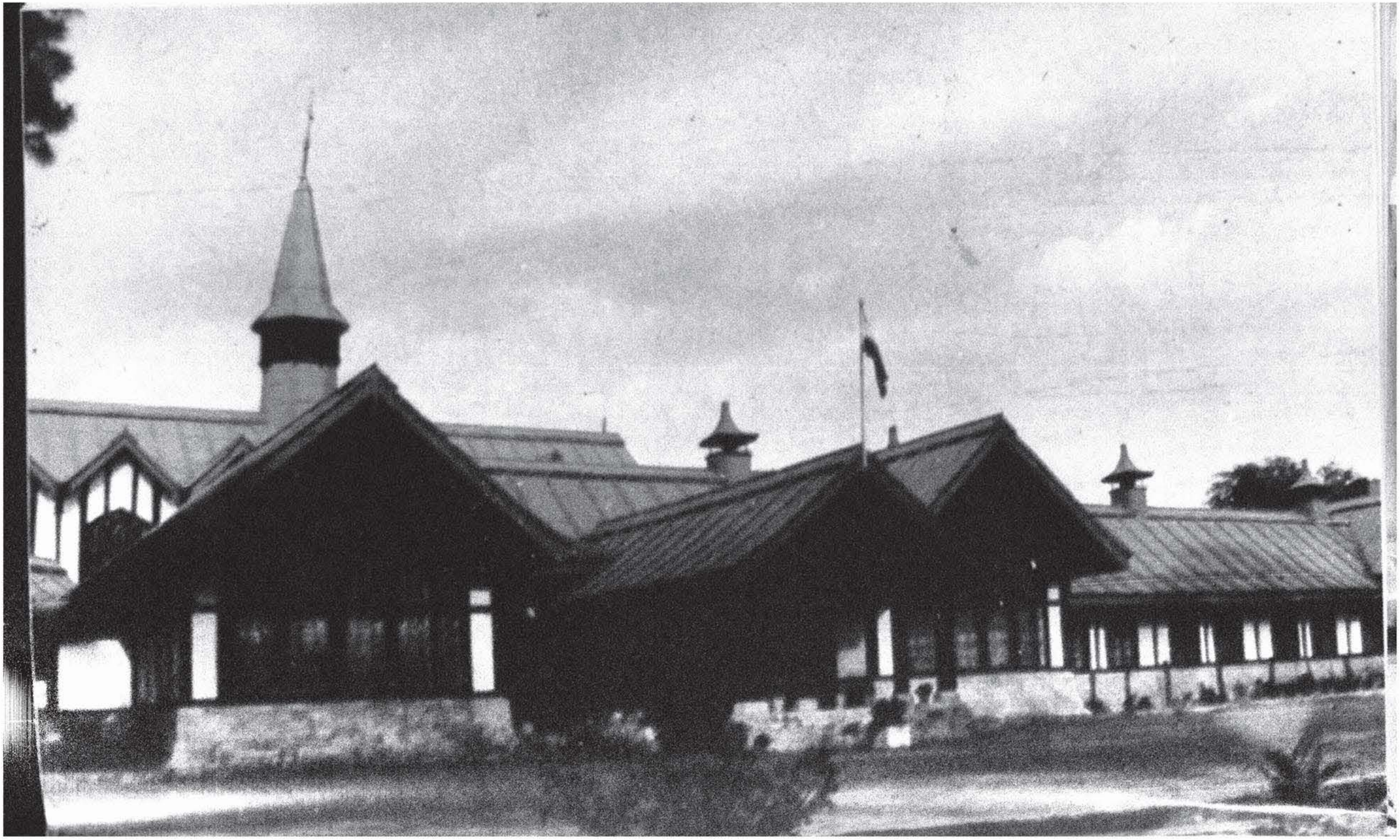
Sl.No.	Name	Tenure From	To
1.	Shri T. Kalachand Singh	5.7.63	19.2.68
2.	Shri S. Gourahari Singh	20.2.68	31.3.69
3.	Md. Halim Choudhury	1.4.69	3.4.1974
4.	E. Kunjeswor Singh	4.4.1974	10.3.1975
5.	Shri M. Gojendra Singh	11.3.1975	31.7.1980
6.	Shri K.K. Modhusana Singh	1.8.1980	12.11.1981
7.	Shri L. Ibochouba Singh (acting)	13.11.1981	1.12.1983
8.	Shri R.K. Birendra Singh	2.2.1983	31.8.1988
9.	Shri I. Manilal Singh	1.9.1988	2.3.1992
10.	Shri N. Hera Singh (In-charge)	7.3.1992	till date

The Secretariat: To facilitate the working and functioning of the Secretariat, the work has been divided into different branches. At present there are six branches in the Secretariat which deal with different kinds of work. The General Administration Branch deals with matters related to general administration of the whole Secretariat while the Parliamentary and Legislation Branch deals with matters related to sessions and sittings and other parliamentary and legislative affairs. The different branches of the Secretariat are:

(i) General Administration Branch
(ii) Parliamentary and Legislation Branch
(iii) Committee Branch
(iv) Reporting and Editing including Press Branch
(v) Personnel Branch
(vi) Library, Research and Documentation Branch

Library, Research, Reference and Information Service: The library has a separate building in the Assembly Secretariat. At present there is lack of automation in the Library and as such photocopying facilities

are not provided to members. Press clipping folders, anticipatory research, selective dissemination of information of special interest, material for members' speeches, etc. are provided by the Research Section.



MEGHALAYA

ORIGIN AND GROWTH

After colonial annexation, the present State of Meghalaya consisted of the Garo Hills and Jaintia Hills sub-division along with the Khasi states which had semi-independent status in a treaty relationship with the British Crown. In 1964, the district headquarters of the Khasi and Jaintia Hills were shifted to Shillong which also became the headquarters of the new province of Assam in 1874. In 1905 Meghalaya became a part of the new Assam province, when Lord Curzon partitioned Bengal and tagged the area of Meghalaya to the new province of Assam and Eastern Bengal. But in 1912, King George V reversed the partition of Bengal and the area now called Meghalaya) became part of the revived province of Assam.

Meghalaya is a new State in an ancient land. The State boasts of a most picturesque and beautiful landscape well-endowed with a wide variety of flora and fauna which inhabit the hill range and intervening valleys which criss-cross the area of the State. In 1970, the new State was given the name "Meghalaya"—the abode of the clouds—reviving a name given by a geographer some fifty years back, who coined the name after being impressed by the clouds—which always seem to hover over the central plateau.

Shillong being the provincial headquarters had seen the gradual evolution of parliamentary democracy. The Council of the Chief Commissioner set up under the Indian Councils Act, 1861-1909 met in Shillong and so did the first independent Council for Assam set up in 1912. The Council set up under the Government of India Act, 1916 met here for the first time on 6 April, 1916 and again under the Government of India Act, 1919 as the new Assam Legislative Council. On 3 January, 1921, following the Montagu-Chelmsford Report of 1917 and

← State Legislature Building, Meghalaya.

the Government of India Act of 1919, the Governor-General-in-Council declared the areas, now in Meghalaya, but excluding the Khasi states, as backward tracts under the Act.

Following the Simon Commission Report and the Government of India Act, 1935, the areas, now in Meghalaya excluding the Khasi States, became partially excluded areas within the meaning of the Government of India Act, 1935. These areas were represented in the Assam Legislative Council sice 1920 and the later also in the pre-independence Assam Legislative Assembly.

Along with the parliamentary institutions Meghalaya still retains, through the Sixth Schedule to the Constitution, the age- old grass-root system of tribal democracy as practised through traditional rulers, the Syiems, Nokmas and Dolois, who continue to exist side by side with modern parliamentary institutions.

Prior to 2 April, 1970 Meghalaya was a part of the composite State of Assam. After more than a decade of peaceful constitutional agitation for a separate Hill State, the Government of India conceded partially to the demand and the Parliament passed the Assam Reorganisation (Meghalaya) Act, 1969 constituting the Autonomous State of Meghalaya within the existing State of Assam. Smt. Indira Gandhi, the then Prime Minister, came to Shillong to formally inaugurate the Autonomous State on 2 April, 1970. The old Council Chamber was selected as the Chamber for the Legislature of the Autonomous State which constituted of 37 members elected indirectly by the Autonomous District Councils, set up under the Sixth Schedule to the Constitution. The first sitting of the Assembly of the Autonomous State, however, took place in Tura in the Garo Hills District on 14 April, 1970. At the first sitting, the House elected Dr. R.S. Lyngdoh as the Speaker of the Assembly of the Autonomous State. In 1971, the Parliament passed the North Eastern Areas Reorganisation Act, 1971 which conferred full statehood on the Autonomous State of Meghalaya. It became a full-fledged State on 21 January, 1972 and now has a full-fledged Legislature.

STRUCTURE OF LEGISLATURE

The Legislature of Meghalaya is unicameral. At present the total

membership of the Legislative Assembly is 60. The normal tenure of the Assembly is five years unless dissolved earlier. The details of tenure of the successive Legislative Assemblies are given in Table 1.

Table 1

Sl.No.	Legislative Assembly	Tenure	
		From	To
1.	First	1972	1978
2.	Second	1978	1983
3.	Third	1983	1988
4.	Fourth	1988	—

ELECTIONS, PARTIES AND MEMBERS

Parties in Legislature: After attaining the full-fledged statehood in 1972, there have been four genmeral elections to the Legislative Assembly in the year 1972, 1978, 1983 and 1988. There is a multi-party system in the Legislative Assembly like in other State Asemblies.

In the general election held in 1988, the position of the major party group on the basis of results declared was as under:

1. Congress (I) (22)
2. Hill Peoples' Union (19)
3. Hill State Peoples' Democratic Party (6)
4. Public Demands Implementation Convention (2)
5. All party Hill Leaders' Conference (Armison Marak) (2)
6. Independents (9)

Leader of the Opposition: The Leader of the Opposition means the Leader of the largest recognised party in the Opposition and recognised as such by the Speaker. He is provided with all facilities as the Speaker may consider necessary for the due performance of his duties.

In 1983, the House passed the Meghalaya Legislative Assembly

(Leader of Opposition) (Salaries and Allowances) Act 1983 (Meghalaya Act No. 6 of 1983) extending the status and facilities similar to those of a Minister to the Leader of the Opposition also.

Qualifications for Membership: As per the qualifications laid down in the Constitution, a person is not qualified to be chosen to fill a seat in the Legislative Assembly unless he is:

(a) a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission, an oath or affirmation;
(b) not less than twentyfive years of age; and
(c) possessed with other qualification as may be prescribed in that behalf or under any law.

Oath / affirmation: A member who has not already made and subscribed an oath or affirmation, in pursuance of Article 188 of the Constitution, may do so at the time of commencement of a sitting of the Assembly or at any other time of the sitting of the Assembly as the Speaker may direct or on any day after giving previous notice in writing to the Secretary, Legislative Assembly. No member is entitled to take part in any proceedings of the House unless he has made and subscribed an oath or affirmation in pursuance of Article 188 of the Constitution.

Salary and other facilities: Every member is entitled to receive a salary of Rs. 750/- p.m. He is also paid Rs. 50/- per day as daily allowance and Rs. 600/- p.m. as travelling allowance. In addition, regular travelling allowance as admissible to a Grade I Officer of the State is also admissible to a member. Conveyance allowance at the rate of Rs. 10/- per day is also paid while attending Assembly session and/or Committee meeting of the Assembly. A member is entitled to such travel facilities as are admissible to a Grade I Officer of the State. A member and the members of his family not exceeding five, are, during the term of office, also entitled to travel concession by 1st class rail for visiting any place in India, up to a maximum limit of ten thousand kms. Besides a member is also provided with the following facilities:

(a) *Housing facilities*: Accommodation for members is arranged in

Assembly Hostels. There is a House Committee which is appointed at the commencement of the first session in each year, for one year term, to consider and advise upon all matters connected with the comfort and convenience of members. It consists of five members to be nominated by the Speaker.

(b) *Medical facilities*: A member and the dependent members of his family may receive medical attendance and treatment as admissible to a Grade I Officer, in any Government hospital/dispensary or, on the recommendation of the Civil Surgeon, the S.D.M.O. and H.O. of the Sub-division in any recognised hospital/dispensary in the State. For the journey undertaken to receive medical treatment, a member may draw travelling allowance at the rate admissible to Senior Grade Officers on tour, but he may draw no allowance for halts on journey. In case of a member of his family suffering from a disease requiring special treatment, actual single first class fare is admissible to and from the place of treatment. When the medical attendant considers that a member or a member of his family needs to be referred to a hospital outside the State, but within India, this could be done with the prior approval of the Director of Health Services, Meghalaya. In such case, for the journey undertaken to receive treatment, a member may, on production of a certificate from the Director of Health Services, Meghalaya or from the Civil Surgeon or from S.D.M.O. and H.O. concerned certifying that the journey was absolutely necessary, draw travelling allowance as indicated above. Where a member or members of his family have been advised to seek medical treatment outside the State or is required to travel to another station within the State to obtain further medical advice, if the medical attendant considers that it would be unsafe for the member/members of his family to undertake the journey unattended, the Medical Officer may either himself accompany the patient or recommend an attendant to escort the patient upto the destination. In case the attendant is a Government servant, he is deemed to have undertaken the journey on duty and may draw travelling allowace both ways as admissible to him under the Rules. If he is not a government servant, he is entitled to the actual travelling expenditure for his onward and return journeys.

A member is also paid a medical allowance of Rs. 100/- p.m.

(c) *Telephone facilities*: Telephone is provided at member's residence at government expense. A member is also paid a telephone allowance of Rs. 300/- p.m.

(d) *Secretarial Assistance*: Members who are not Ministers/holding offices equated to that of a Minister also get Rs. 400 per month as Secretarial Assistance allowance.

(e) *Postal facilities*: During the Assembly session, a branch of post office is opened in the Assembly Secretariat Building for the convenience of members. A postage allowance of Rs. 100/- p.m. is also paid to every member.

Resignation: A member who desires to resign his seat in the Assembly can intimate in writing under his hand, addressed to the Speaker, his intention to resign his seat in the Assembly in the form prescribed. He need not give any reason for his resignation. If any member gives any reason or introduces any extraneous matter, the Speaker may omit such words, phrases or matter and the same are not read out in the House. As soon as may be, the Speaker, after he has received an intimation in writing from a member under his hand resigning his seat in the Assembly, informs the House that the said member has resigned his seat in the Assembly. When the Assembly is not in session, the Speaker informs the House immediately after the House reassembles, that the said member has resigned his seat in the Assembly and may direct the same to be published in the official Gazette. The Secretary, as soon as may be, after the Speaker has received such intimation from a member resigning his seat in the Assembly, notifies the vacancy in the official Gazette and causes a copy of the notification to be communicated to the Governor and to the Election Commission.

Absence from House: A member desiring permission of the House to remain absent from the sittings thereof under Article 190(4) of the Constitution can make an application in writing to the Speaker. The application should specify the period for which leave of absence is required, indicating also the date of commencement and of termination of such leave of absence and the grounds for it. The leave of absence applied for at any time should not exceed a period of sixty days. The seat of a member is declared vacant under clause (4) of Article 190 of the Constitution on a motion by the Leader of the House

or by such other member to whom he may delegate his functions in this behalf. If the motion referred to above is carried, the Secretary causes the information to be published in the official Gazette and forwards a copy of the notification to the Governor and to the Election Commission.

Withdrawal / Suspension of Member: The Speaker may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the House, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. The Speaker may, if he deems necessary, name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and willfully obstructing the business thereof. If a member is so named by the Speaker, he shall forthwith put the question that the member (naming him) be suspended from the service of the House during the remainder of the session. The House, may, at any time, on a motion being made, resolve that such suspension be terminated.

SESSION AND SITTINGS

Issue of Summons: The Chief Minister in consultation with the Speaker advises the Governor for summoning the Assembly under Article 174 of the Constitution. On issue of such summons by the Governor, the Secretary issues a summons to each member specifying the date and place for a session of the House at least ten days before the date of commencement of the session. When a session is called on short notice or emergently the summons may not be issued to each member separately but an announcement of the date and place of the session is published in the Gazette and members are informed telegraphically.

Secret Session: On a request being made for a secret sitting of the Assembly by any member, the Speaker, in consultation with the Leader of the House, decides the necessity of such a sitting and if it is so decided, fixes a day or part thereof for a secret sitting of the Assembly. When such a sitting takes place no stranger is permitted to be present in the Chamber, Lobby or Galleries. The Speaker may cause

a report of the proceedings of a secret sitting to be issued in such manner as he thinks fit, but no other person present is allowed to keep a note or record of any proceedings or decisions of a secret sitting, whether in part or full or issue any report of, or purport to describe, such proceedings. The procedure adopted in all other respects in connection with secret sitting is in accordance with such directions as the Speaker may give.

BUSINESS OF THE HOUSE

The business of legislation is classified into two categories, namely, Government business and Private Members' business. The business initiated on behalf of the Government department by a Minister is called Government business. The business initiated by a member other than a Minister is known as Private Members' business.

On days allotted for the transaction of Government business, such business has precedence and the Secretary arranges that business in such order as the Speaker may, after consultation with the Leader of the House, determine. Such order of business is not to be varied on the day that business is set down for disposal unless the Speaker is satisfied that there is sufficient ground for such variation.

Busines Advisory Committee: At the commencement of the House or from time to time, as the case may be, the Speaker nominates the Business Advisory Committee. It consists of not more than five members including the Speaker who is the Chairman of the Committee. The function of the Committee is to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Speaker, in consultation with the Leader of the House, may direct for being referred to the Committee. The Committee has the power to indicate in the proposed time-table the different hours at which the various stages of the Bill or other business shall be completed.

List of Business: A list of business for the day is prepared by the Secretary and is circulated to all members on the previous day. No business requiring notice is set down for a day earlier than the day after that on which the period of the notice necessary for that class of

business expires. No business not included in the List of Business for the day is transacted at any meeting without the leave of the Speaker. A provisional programme of business for the session is circulated to each member of the Assembly by the Secretary at least seven days ahead of the commencement of the session.

Private Members' Business: Every Tuesday and Saturday in every session is allotted for private members' business. The Speaker may, in his discretion, allot any other day if these days are holidays or if any Government business is allotted on those or any of those days. The Speaker may also allot these days for disposal of Government business in case there is no Private Member's business to be transacted on those days and the time may be allotted by the Speaker in consultation with the Leader of the House and the Opposition. The Speaker may allot different days for the disposal of different classes of Private Members' business, and on days so allotted for any particular class of business, business of that class has precedence. On a day allotted for the disposal of Private Members' Bills, such Bills shall have relative precedence in the following order, namely:

Bills in respect of which the motion is that leave be granted to introduce the Bill;

Bills returned by the Governor with a message under Article 200 or 201 of the Constitution;

Bill in respect of which a motion has been carried that the Bill be taken into consideration;

Bills in respect of which the report of a Select Committee has been presented;

Bills which have been circulated for the purpose of elicting public opinion thereon;

Bills introduced and in respect of which no further motion has been made or carried; and

Other Bills.

Rules of Debate: The Rules of Procedure and Conduct of Business in Meghalaya Legislative Assembly provide that a member, while speaking, shall not —

refer to any matter of fact on which a judicial decision is pending;

make a personal charge against a member;

use offensive expressions about the conduct or proceedings of Parliament or any State Legislature;

reflect on any determination of the House except on motion for rescinding it;

reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper term;

use the President's or a Governor's name for the purpose of influencing the debate;

utter treasonable, seditious or defamatory words;

use his right of speech for the purpose of obstructing the business of the House.

A private member cannot read his speech, but can refresh his memory by reference to notes. No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply. The Speaker may, at any time, prohibit any member from making any such allegation if he is of the opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.

When for the purpose of explanation, during discussion or for any other sufficient reasons, any member has occasion to ask a question of another member on any matter then, under the consideration of the Assembly, he can ask the question through the Speaker. The Speaker, after having called the attention of the House to the conduct of the member who persists in irrelevance or in tedious repetition either of his arguments or of the arguments used by other members in debate, may direct him to discontinue his speech. A member may, with the permission of the Speaker, make pesonal explanation although there

is no question before the House, but in this case no debatable matter may be brought forward and no debate should arise.

Voting Procedure: A matter requiring the decision of the Assembly is decided by means of a question put by the Speaker on a motion proposed by a member. The result of a division is announced by the Speaker and is not challenged. When a motion has been made, the Speaker proposes the question for consideration, and puts it for the decision of the House. If a motion embodies two or more separate propositions, those propositions may be proposed by the Speaker as separate questions. A member cannot speak on a question after the Speaker has collected the voices both of the 'Ayes' and of the 'Noes' on that question.

On the conclusion of a debate, the Speaker puts the question and invites those who are in favour of the motion to say 'Aye' and those against the motion to say 'No'. The Speaker then says "I think the 'Ayes' (or the 'Noes', as the case may be) have it." If the opinion of the Speaker as to the decision of a question is not challenged, he says twice: "The Ayes (or the Noes, as the case may be) have it" and the question before the House is determined accordingly.

If the opinion of the Speaker as to the decision of question is challenged, he may order that the Lobby be cleared. After the lapse of three minutes, he puts the question a second time and declares whether in his opinion the 'Ayes' or the 'Noes', have it.

If the opinion declared is again challenged, he then directs the 'Ayes' to go into the 'Ayes' Lobby and 'Noes' into the 'Noes' Lobby. In the 'Ayes' or 'Noes' Lobby, as the case may be, each member shall call out his division Number and the Division Clerk, while marking off his number and the Division Clerk, while marking off his number on the Division List, shall simultaneously call out the name of the member. If in the opinion of the Speaker, the division is unnecessarily claimed, he may ask the members who are for 'Aye' and those for 'No', respectively, to rise in their places and, on a count being taken, he may declare the determination of the House. In such a case, the names of the voters are not recorded. After voting in the Lobbies is completed, the Division Clerk hands over the Division List to the Secretary, who counts the votes and presets the totals of 'Ayes' and 'Noes' to the Speaker. The result of a decision is announced by the Speaker and is not challenged.

Proceedings: The relevant copies of the proceedings of the Assembly are furnished to the members concerned for the purpose of correction and return in accordance with the rule 29A. Corrections of speeches are confined to grammatical mistakes and there can be no material alteration. Thereafter, the Secretary causes a full report of the proceedings to be prepared as soon as possible after each meeting and as soon as practicable, publishes it in such form and manner as the Speaker may, from time to time, direct. A copy of the proceedings so published is also sent to the Governor. If the Speaker is of the opinion that words have been used in debate which are defamatory or indecent or unparliamentary or undignified, he may, in his discretion, order that such words be expunged from the proceedings of the House.

The business of the Assembly is transacted in English. A member may address the Assembly in his own mother tongue but before he does it, he has to make over in advance to the Secretary a copy of the speech written in English.

The manuscript copy of the Speech made by the member concerned is supplied to the member within five days of making the speech and the member concerned can correct the speech and return the same within fifteen days. If the speech is not corrected and returned within the aforesaid time, it may be printed without correction and no objection regarding the correctness of the speech is entertained.

PRESIDING OFFICERS

At the beginning of the new Assembly or owing to a vacancy in the office of the Speaker, the election of a Speaker is necessary. The Governor fixes a date for holding of the election and the Secretary sends to every member notice of the date so fixed. At any time before 3.30 p.m. on the day preceding the date so fixed, any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating the name of the member nominated and that the proposer has ascertained that such member is willing to serve as Speaker, if elected.

The nomination papers are delivered to the Secretary either by the

candidate himself or by the proposer or seconder in person.

In the case of a new Assembly, the member appointed by the Governor to perform the duties of the office of the Speaker pending the election of a Speaker and, in any other case, the Deputy Speaker or other member presiding, reads out to the Assembly the names of the members who have been duly nominated together with those of the proposers and secoders and if only one member has been so nominated, declares that the member to be elected. If more than one member have been so nominated, the Asembly proceeds to elect a Speaker by ballot, and in case of two candidates, the candidate obtaining the larger number of votes is declared elected. In case of equality of votes, it is determined by the drawing of lots.

Where more than two candidates have been nominated and at the first ballot—

(a) one of such candidates obtains more votes than the aggregate votes obtained by the other candidates, he is declared elected;
(b) if no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes is excluded from the election and the balloting proceeds, the candidate obtaining the smallest number of votes of each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidates, or than the aggregate votes of the remaining candidates as the case may be.

Where at any ballot any of three or more candidates obtain equal number of votes and one of them has to be excluded from the election, the determination as between the candidates whose votes are equal of the candidate who is to be excluded is by drawing of lots. A nomination paper can be withdrawn by the candidate or the proposer before the assembly meets on the day fixed for the election of the Speaker.

The election of the Deputy Speaker, following the general election or when a vacancy occurs, is held on a date fixed by the Speaker. The procedure followed for the election of the Deputy Speaker is the same

as that of the Speaker. (Rule 8)

The Speaker presides over the Assembly sessions and guides the transaction of the business in the House. Besides, the Speaker has the power to preserve order in the House and the powers necessary for the purpose of enforcing his decision.

The Speaker and the Deputy Speaker, once elected, can be removed from office. Any resolution to remove the Speaker or the Deputy Speaker from office, of which at least fourteen days' notice as required under Article 179 of the Constitution has been given, is read to the Assembly by the person presiding who then requests the members who are in favour of leave being granted to move the resolution to rise in their places, and if not less than one-fifth of the total number of members of the House rise accordingly, the person presiding allows the resolution to be moved. If less than one-fifth of the total number of members of the House rise, the person presiding informs the member who has given the notice, that he has not the leave of the Assembly to move it.

If notice of a 'No-confidence Motion' against the Speaker or the Deputy Speaker is tabled, the House is not adjourned till the provisions of the Rules are complied with and the Motion of No-Confidence is disposed of finally.

Subject to the provisions of Article 181 of the Constitution, the Speaker or the Deputy Speaker or such other person as is referred to in Article 180(2) of the Constitution, presides when a motion is taken up for consideration. On the appointed day, the resolution is included in the List of Business to be taken up after the questions and before any other business for the day is entered upon.

Table 2 shows the names and the tenure of the Speakers of the Assembly:

Table 2: Statement showing the names and tenure of the Speakers

Name	Tenure	
	From	To
Dr. R.S. Lyngdoh	1972	1978
Shri W. Syiemiong	1978	1983

Shri E.K. Mawlong	1983	1988
Shri P.G. Marbaniang	1988	1989
Shri P.R. Kyndiah	1989	till date

PROCESS OF LEGISLATION

The legislative process starts with the introduction of the Bill in the Assembly. The Speaker, on a request being made to him, may order the publication of any Bill (together with the Statement of Objects and Reasons and the financial memorandum accompanying it) in the Gazette, although no motion has been made for the leave to introduce the Bill. In that event, it is not necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it is not necessary to publish it again.

Any member, other than a Minister, desiring to move for leave to introduce a Bill, can give notice of his intention, and should together with the notice, submit a copy of the Bill and explanatory Statement of Objects and Reasons which should not contain any argument. The period of notice of a motion for leave to introduce a Bill is one month unless the Speaker allows the motion to be made at shorter notice. A Bill involving expenditure is accompanied by a financial memorandum which invites particular attention to the clauses involving expenditure and also gives an estimate of the recurring ad non-recurring expenditure involved in case the Bill is passed into Law. A Bill involving proposals for the delegation of legislative power is further required to be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.

The different stages of the legislative process are:

(i) Introduction
(ii) Motion after introduction
(iii) Consideration and Amendment of Bills
(iv) Adjournment of debate on and withdrawal of Bills
(v) Passing of Bills

When a Bill is introduced, or on some subsequent occasion, the member-in-charge may make one of the following motions in regard to the Bill, namely:

(a) that it be taken into consideration by the Assembly either at once or at some future day
(b) that it be referred to a Select Committee, composed of such members of the House and with instructions to report on or before such date as may be specified in the motion; or
(c) that it be circulated for the purpose of elicting public opinion thereon.

On the day on which any such motion is made, or on any subsequent day to which the discussion is postponed, the principles of the Bil and its provisions may be discussed generally but the details for the Bill are not discussed further than is necessary to explain its principle. It is called the *First Reading*. At this stage no amendments to the Bill may be moved but if the member-in-charge moves that the Bill —

(a) be taken into consideration, any member may move as an amendment that the Bill be referred to a select Committee or be circulated for the purpose of elicting public opinion thereon by a date to be mentioned in the motion;
(b) be referred to a Select Committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting public opinon, by a date as may be mentioned in the motion.

Where a motion that a Bill be circulated for the purpose of elicting public opinion has been carried in the Assembly and the Bill has been circulated in accordance with the direction and opinions have been received thereon by the date mentioned in the motion, the member-in-charge, if he wishes to proceed with the Bill thereafter, can move that the Bill be referred to a Select Committee unless the Speaker, in his discretion, allows a motion to be made that the Bill be taken into consideration.

After the presentation of the final report of a Select Committee on a Bill, the member-in-charge may move—

(i) that the Bill as reported by the Select Committee be taken into consideration, but any member may object to its being so taken into consideration if a copy of the report has not been made available for the use of the member for four days and such objection prevails unless the Speaker, in exercise of his discretion, allows the report to be taken into consideration; or

(ii) that the bill be recommitted, either-

(a) without limitation,or

(b) with respect to particular clauses or amendments only, or

(c) with instructions to the Select Committee to make some particular or additional provision in the Bill.

If the member-in-charge moves that the Bill be taken into consideration, anymember may move, as an amendment, that the Bill be recommitted.

The debate on a motion that the Bill as reported by the Select Committee be taken into consideration is confined to consideration of the report of the Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill.

At the stage of *Second Reading*, the amendments are ordinarily considered in the order of the clauses to which they separately relate. If notice of a proposed amendment has not been sent to the Secretary two clear days before the day on which the Bill is to be considered, any member may object to the moving of the amendment and such objection prevails, unless the Speaker, in his discretion, allows amendment to be moved. Amendments are ordinarily considered in the order of the clauses to which they respectively relate. When a motion that a Bill be taken into consideration has been carried, any member may, when called upon by the Speaker, move an amendment to the Bill of which he has previously given notice. It is in the discretion of the Speaker

when motion that a Bill be taken into consideration has been carried, to submit a Bill or any part of the Bill, to the Assembly, clause by clause. When this procedure is adopted, the Speaker calls each clause separately and, when the amendments relating to it have been dealt with, puts the question "that this clause or (as the case may be) this clause as amended, stands part of the Bill." The Speaker may, if he thinks fit, postpone consideration of a clause.

The consideration of the schedule or schedules, if any, follow the consideration of clauses. Clause One, the Enacting Formula, the Preamble, if any, and Title of a Bill stand postponed until the other clauses and schedules have been disposed of and the Speaker then puts the question: "That Clause One, or the Enacting Formula, or the Preamble or the Title (or that Clause One, Enacting Formula, Premable or Title as amended, as the case may be) do stand part of the Bill."

If no amendment be made when a motion that a Bill be taken into consideration has been agreed to by the Assembly, the Bill may at once be passed. If any amendment be made, any member may object to the passing of the Bill at the same meeting; and such objection prevails unless the Speaker, in his discretion, allows the Bill to be passed. Where the objection prevails, the Bill may be brought forward again at a future meeting, and may then be passed with or without further amendment. This is done at the stage of *Third Reading*.

The discussion on a motion that the Bill or the Bill as amended, as the case may be, be passed, is confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech, a member should not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character. When a Bill is passed by the House, the Speaker has the power to correct patent errors and make such other changes in the Bill as are consequential upon the amendments accepted by the House and the Bill passed and so revised is signed by the Speaker. In case the Bill is a Money Bill, the Speaker signs and certifies the same in accordance with the provision of Article 199(4) of the Constitution.

After a Bill has been so authenticated by the Speaker, the Secretary sends the authenticated copy to the Governor for assent.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

Question Hour:- Unless the Speaker otherwise directs, the first hour of every sitting is available for asking and answering of questions. Unless the Speaker otherwise directs not less than fifteen clear days' notice of a question is required to be given. There are three types of questions: Unstarred and Short Notice Questions. 'Starred' questions are answered orally and the answers to 'Unstarred' questions are printed or typed alongwith the questions. The printed or typed copies of 'unstarred' questions and answers thereto are laid on the Table half an hour before the Speaker takes his seat. Only printed or typed copies of 'Starred' questions to be answered on a particular day are circulated amongst the members on the previous evening. No member is permitted to ask more than five starred questions for oral answer on any day. A short notice question is a question relating to a matter of public importance which may be asked with notice shorter than fifteen clear days and if the Speaker is of the opinion that the question is of an urgent character, he may, in consultation with the Minister concerned, fix a day for the reply to such a question. Such question is called immediately after the 'Starred' questions listed for the day have been disposed of, and if the question hour has either been dispensed with or has not been provided for, it may be called for answer as the first item of business, and if there is any new member to take oath or affirmation, then immediately thereafter. If the Minister is unable to answer the question at short notice and the Speaker is of the opinion that the question is of sufficient public importance to be orally answered in the House, he may direct that the question be treated as a 'Starred Question' and be given priority and answered accordingly.

Half-an-hour Discussion: The Speaker allots half-an-hour or such time as he deems fit for raising discussion on a matter of sufficient public importance which has been the subject of a recent question, oral or written, and the answer to which needs elucidation on a matter of fact. A member wishing to raise a matter requires to give notice in writing to the Secretary three days in advance of the day on which the matter is desired to be raised, and shall briefly specify the point that he wants to raise. The notice requires to be accompanied by an

explanatory note stating the reasons for raising discussion on the matter in question. The notice is also required to be supported by the signature of at least another member. The Speaker decides whether the matter is of sufficient public importance to be put down for discussion, and not admit a notice which, in his opinion, seeks to revise the policy of Government. Not more than one such matter is to be raised on a particular day.

Zero Hour: Immediately after the Question Hour and before the List of Business of the day is entered upon, any member who wants to raise any matter of grave importance which cannot be raised under any other provisions of the Rules of Procedure and Conduct of Business, can do so with the previous permission of the Speaker, provided, however, that the member raising such a matter shall not make any speech.

Motion of No-Confidence: A motion expressing want of confidence in the whole Ministry or a Motion censuring a Minister or a group of Ministers or a motion disapproving the action or actions of a Minister may be made with the consent of the Speaker, provided that no motion expressing want of confidence is made against an individual Minister or a group of Ministers. Provided further that no motion expressing want of confidence in the Ministry is allowed to be made, if a similar motion has been made in the same session. If the Speaker is of the opinion that the motion is in order, he reads the motion to the Assembly and requests those members who are in favour of leave being granted to rise in their places and,if not less than ten members of the House rise accordingly, the Speaker intimates that leave is granted and that the motion is taken on such day not being more than ten days and not less than twenty-four hours from the time at which leave is asked, as he may appoint. If less than ten members rise, the Speaker informs the member that he has not the leave of the Assembly. The Speaker, at the appointed hour on the allotted day or on the last of the allotted days, as the case may be, forthwith puts every question necessary to determine the decision of the House on the motion.

Adjournment Motion: A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance is made with the consent of the Speaker. The Speaker decides whether the matter to be discussed is definite and of

urgent public importance. The notice of an adjournment motion is required to be given before the commencement of the sitting on the day on which the motion is proposed to be made to each of the following:-

(i) the Speaker;
(ii) the Minister concerned; and
(iii) the Secretary

The right to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance is subject to the following restrictions, namely:-

(i) not more than one such motion shall be made at the same sitting;
(ii) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence;
(iii) the motion must not revive discussion on a matter which has been discussed in the same session;
(iv) the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given, regard being had to the probability of the matter anticipated being brought before the House within a reasonable time;
(v) the motion must not deal with a matter on which a resolution could not be moved;
(vi) the motion shall not deal with any matter which is under the consideration by a court of Law having jurisdiction in any part of India;
(vii) the motion shall not raise a question of privilege; and
(viii) that it must not relate to a matter which is not primarily the concern of the Government of the State.

Calling Attention Notices: A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter

of urgent public importance and of recent occurrence and the Minister may make a brief statement or ask for time to make a statement at a later hour or date. There is no debate on such statement at the time it is made. Not more than one such matter can be raised at the same sitting. The proposed matter is raised after the questions and before the List of Business is entered upon and at no other time during the sitting of the House.

Resolutions: A resolution may be moved on any matter of general public interest. It may be in the form of a declaration of opinion or a recommendation; or may be in the form so as to record either approval or disapproval by the House of an act or policy of government, or convey a message; or commend, urge or request for action; or call attention of a matter or situation for consideration by Government; or in such other form as the Speaker may consider appropriate. A member who wishes to move a resolution is required to give ten clear days' notice before the date appointed for the disposal of private member's resolutions and together with the notice, submit a copy of the resolution which he wishes to move.

Special Motions: Whenever any report or any matter of urgent public importance and of recent occurrence is brought before the House, any member can move a motion for the discussion of that matter. Such a motion gets precedence over motions under rule 131. The Speaker fixes the time and date for discussion of such a motion.

Governor's Address: At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor addresses the Assembly as required by article 176 of the Constitution. After the delivery of the Speech by the Governor, the Speaker reports to the Assembly that the Governor had been pleased to make a speech and lays a copy of the speech on the Table. On such report being made, notice may be given of a Motion of Thanks for discussing the Governor's Address. On receipt of notice of such a motion or even if no such notice is received, the Speaker allots a date and time as early as possible compatible with the State of business of the House for discussion of the matters referred to in the Address given by the Governor. In case of a motion being moved, such motion is required to be duly

proposed and seconded. The Address having been adopted with or without amendment is forthwith communicated to the Governor by the Speaker.

Petitions: Rules 105 to 114 of the Rules of Procedure and Conduct of Business in Meghalaya Legislative Assembly deal with the procedure for presentation of petitions. Every petition is couched in respectful, decorous and temperate language and is addressed to the Assembly, concluding with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates. Letters, affidavits or other documents are not attached to any petition. Every petition is written in English. If any petition is in any other Indian language, it is to be accompanied by a translation in English and signed by the petitioner. Every petition, after presentation by a member or report by the Secretary, as the case may be, stands referred to the Committee on Petitions.

At the Commencement of the Assembly, or from time to time, as the case may be, the Speaker nominates the Committee on Petitions. It consists of not more than five members. The term of office of the Committee is one year from the date of its constitution or till a new Committee is constituted in accordance with the rules. The Committee examines every petition referred to it. It is also the duty of the Committee to report to the House on specific complaints made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future.

BUDGET IN LEGISLATURE

The Budget: The anual financial statement or the statement of the estimated receipts and expenditure of the State in respect of every financial year which is presented to the Assembly on such day as the Governor may decide. There is no discussion on the Budget on the day on which it is presented.

The Budget is dealt with by the Assembly in two stages, namely, the general discussion; and the voting on demands for grants.

General discussion on the Budget takes place on a day or days to be appointed by the Speaker subsequent to the day on which it is

presented and for such time as the Speaker may allot for this purpose. The Assembly is at liberty to discuss the Budget as a whole or any question of principle involved therein. No motion is moved at this stage nor is it submitted to the vote of the Assembly. The Finance Minister has a general right of reply at the end of the discussion.

The voting on demands for grants takes place on such days as the Speaker in consultation with the Leader of the House and the Business Advisory Committee may allot for the purpose. On a day allotted for the purpose of voting of demands for grants, no other business is taken up before 2 p.m. or at 12 noon if it is a Friday except with the consent of the Speaker. On the last day of the days so allotted, at 2 p.m. or at 12 noon if it is a Friday, the Speaker forthwith puts every question necessary to dispose of all outstanding matters in connection with the demands for grants; and the consideration thereof is not anticipated by any motion for adjournment or be interrupted in any manner whatsoever nor is any dilatory motion moved in regard thereof.

Vote on Account: A motion for vote on account states the total sum required, and the various amounts needed for each department or service or item of expenditure which composes that sum, is stated in schedule appended to the motion. Amendments can be moved for the reduction of the whole grant or for the reduction or omission of the items whereof the grant is composed. Discussion of a general character is allowed on the motion or any amendment moved thereto but the details of the grant are not discussed further than is necessary to develop the general points.

The Finance Bill: As per the Rules of Procedure and Conduct of Business in the Assembly, the Finance Bill means the Bill ordinarily introduced in each year to give affect to the financial proposals of the Government of Meghalaya for the next following financial year and includes a Bill to give effect to supplementary financial proposals for any period. After the introduction of the Finance Bill, the Speaker may allot a day or days, jointly or severally, for the completion of all or any of the stages involved in the passage of the Bill by the Assembly. On a motion that the Finance Bill be taken into consideration, a member may discuss matters relating to general administration. Local grievances so far as it relates to any provision of the Finance Bill within the

sphere of the responsibility of the Government or monetary or financial policy of the Government.

The Appropriation Bill: As soon as may be, after the grants have been made by the Assembly, Appropriation Bill is introduced to provide for the appropriation out of the Consolidated Fund of the State of all moneys required to meet:

(i) the grants so made by the Assembly; and
(ii) the expenditure charged on the Consolidated Fund of the State, but not exceeding in any case the amount shown in the Budget presented to the Assembly.

The debate on an Appropriation Bill is restricted to matters of public importance or administrative policy implied in the grants covered by the Bill which have not already been raised while the relevant demands for grants were under consideration. If an Appropriation Bill is in pursuance of a supplementary grant in respect of an existing service, the discussion is confined to the items constituting the same and no discussion is raised on the original grant or the policy underlying it save insofar as it may be necessary to explain or illustrate a particular item under discussion.

Supplementary / Excess Grants: Supplemetary, additional excess ad exceptional grants and votes on credit are regulated by the same procedure as is applicable in the case of demands for grants subject to such adoptions, whether by way of modification, addition or omission, as the Speaker may deem to be necesary or expedient. The debate on the supplementary grants is confined to the items constituting the same and no discussion may be raised on the original grants nor policy underlying them save in so far as it may be necessary to explain or illustrate the particular item under discussion.

Cut motions: There are three types of cut motions which can be moved to reduce the amount of a demand. These are:

(i) Disapproval of Policy Cut;
(ii) Economy cut; and
(iii) Token cut.

LEGISLATIVE COMMITTEES

Legislative Committees are elected or appointed by the House or nominated by the Speaker. These are constituted to facilitate the legislative business of the Assembly. The Rules of Procedure and Conduct of Business in the Assembly provide for the constitution of the following Committees:

(i) Business Advisory Committee
(ii) Select Committee
(iii) Committee on Petititons
(iv) Committee on Public Accounts
(v) Committee on Estimates
(vi) Committee on Privileges
(vii) Committee on Subordinate Legislation
(viii) Committee on Government Assurances
(ix) Rules Committee
(x) House Committee
(xi) Library Committee

The members of a Committee are appointed or elected by the Assembly on a motion made or are nominated by the Speaker, as the case may be. No member is appointed to a Committee if he is not willing to serve on it. The term of office of all members and for the three Financial Committees (vi), (vii), is thirty months and for all other Committees is for a period of one year from the date of constituting the Committee or till a new committee is constituted in accordance with the rules. The term of office of the members of a Select Committee terminates on the presentation of their report to the House. The Chairman of a Committee is appointed by the Speaker from amongst the members of the Committee and if the Deputy Speaker is a member of the Committee, he is appointed a Chairman of the Committee.

The quorum to constitute the sitting of a Committee is, as near as may be, one-third of the total number of members of the committee.

The report of a Committee is presented to the Assembly by the

Chairman or in his absence by any member of the Committee. Where the House has not fixed any time for the presentation of a report by a Committee, the report is presented within one month of the date on which reference to the Committee was made. The Assembly may at any time on a motion being made, direct that the time for the presentation of the report by the Committee be extended to a date specified in the motion.

Standing Financial Committees: In order to help it exercise effective control over public expenditure, the Assembly has three Financial Committees, namely, the Committee on Public Accounts, the Committeee on Estimates and the Committee on Public Undertakings. These Committees keep unremitting vigil over governmental spending and performance. The Committee on Public Accounts, the Committee on Estimates and the Committee on Public Undertaking consist of not more than five, seven and five members respectively. The members are elected by the House from amongst its members according to the principle of proportional representation by means of single transferable vote. The term of office of members of these Committees does not exceed 30 months from the date of its first formation.

Committee on Public Accounts: The Committee examines the accounts showing the appropriation of sums granted by the Assembly for the expenditure of the Government of Meghalaya, annual finance accounts of the Government, and such other accounts laid before the Assembly as the Committee may think fit. In scrutinising the Appropriation Accounts of the Government of Meghalaya and the report of the Comptroller and Auditor-General thereon, it is the duty of the Committee to satisfy itself:

(a) that the moneys shown in the accounts as having been dispersed were legally available for, and applicable to, the service or purpose to which they have been applied or charged;
(b) that the expenditure conforms to the authority which governs it; and
(c) that every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority.

Committee on Public Undertakings: It is the duty of the Committee to examine the statement of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes, concerns and projects together with the balance sheets and statements of profit and loss account which the Governor may have required to be prepared or are prepared under the provisions of the statutory rules regulating the financing of a particular corporation, trading or manufacturing scheme or concern or project and the report of the C & AG thereon. The Committee examines the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies, the audit of which may be conducted by the C & AG either under the directions of the Governor or by a statute of the Assembly. It also considers the report of the C&AG in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stocks.

Committee on Estimates: The Committee examines the estimates of various Ministers/Departments of the Government of Meghalaya. The functions of the Committee are:

(a) to report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates, may be effected;
(b) to suggest alternative policies in order to bring about efficiency and economy in administration;
(c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
(d) to suggest the form in which the estimates shall be presented to the Assembly.

LEGISLATIVE PRIVILEGES

The powers, privileges and immunities of the members, House and Committees have been extended and fully ensured as provided in Article 194 of the Constitution.

A breach of privilege, either of a member or of the House or of a Committee thereof, may, with the consent of the Speaker, be brought

to the notice of the House either by a complaint from a member or by a petition or by a report from a Committee. If the breach is committed in actual view of the House, the House may ake action without complaint. The House has the power under Article 194 of the Constitution to inflict, amongst others, the following:

(i) punishment;
(ii) reprimand;
(iii) imprisonment for such term as may be decided by the House but it shall not extend beyond the prorogation or disssolution of the House, whichever is earlier, and
(iv) suspension or expulsion of a member for a period not exceeding 30 days or till prorogation or dissolution of the House whichever is earlier.

In case the House finds a charge of breach of privilege groundless, it may order the payment of an amount not exceeding Rs. 500/- as cost to the party charged by the party complaining. The Speaker, or any person authorised by him shall have the power to execute all the orders passed and sentences inflicted by the House. The debate at all stages on questions involving breach of privilege is brief. The Speaker may refer any question of privilege to the Committee of Privileges for examination, investigation or report.

Committee of Privileges: The Committe is nominated by the Speaker at the commencement of the Assembly or from time to time, as the case may be. It examines every question referred to it and determines with reference to the fact of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and makes such recommendations as it may deem fit. The report can also state the procedure to be followed by the Assembly in giving effect to the recommendation made by the Committee.

SERVICING OF LEGISLATURE

Like other State Legislature Secretariats, the Legislative Assembly of Meghalaya has its own independent Secretariat.

The Secretary: He is the custodian of all records, documents, and papers belonging to the House or any of its Committees or Assembly Secretariat and may not permit any such records, documents or papers to be taken from the Assembly House without the permission of the Speaker. Besides, it is also the duty of the Secretary:

to take charge of all records of the Assembly;

to keep the books of the Assembly;

to keep a list of business for the time being before the Assembly;

to superintend the printing of all papers ordered to be printed;

to make out from time to time a list of all Select Committees sittings;

to assist the Assembly and all Committees in such manner as they may order; and

to write all letters ordered by the Assembly, or by any Committee thereof, to be written.

ASSEMBLY HOUSE

MIZORAM

ORIGIN AND GROWTH

Mizoram, situated in the North-eastern corner of India, is sandwiched between Burma in the east and south and Bangladesh in the west. It has a total area of 21,081 sq.km. with a half a million population. Mizoram, earlier known as the Mizo Hills District, was excluded from the Government of India Reforms Act 1919 and the Act of 1935. As a result, the Mizo people remained under the personal rule of the British superintendents and the hereditary Mizo Chiefs. It was only after India's Independence that the district had representation in the Assam Legislative Assembly and was allotted three seats in 1952. The Government of the Union Territory (Amendment) Act, 1971 made provision for the creation of a legislature in 1972 and the first election to the Mizoram Legislative Assembly with 33 members (3 nominated) was held on 18 April, 1972 on the basis of adult franchise. There was a Lt. Governor as its administrative head with a Council of Ministers.

When Mizoram attained full-fledged Statehood on 20 February, 1987 a Mizo National Front Ministry, headed by Shri Laldenga was sworn in by the Governor Shri Hiteshwar Saikia. Election to the Legislative Assembly for the full-fledged State of Mizoram was held in March, 1987. At present the Assembly consists of 40 members.

STRUCTURE OF LEGISLATURE

The Mizoram State Legislature is unicameral. Earlier, the membership of the House was 33, out of which 3 were nominated But after attaining the statehood, the membership of the Legislative Assembly has been increased to 40. The tenure of the House is five years unless

* State Legislature Building, Mizoram

it is dissolved earlier. The details of the tenure of the Mizoram Legislative are given in Table 1.

Table 1

S. No.	Legislative Assembly	Tenure From	To
1.	First	10.5.1972	11.5.1977
2.	Second	21.6.1978	11.11.1978
3.	Third	25.5.1979	4.5.1984
4.	Fourth	9.5.1984	1987
5.	Fifth*	1987 Feb.	7.9.1988
6.	Sixth	January, 1989	till date

* Legislative Assembly was dissolved and President's Rule was imposed on 7.9.1988

ELECTIONS, PARTIES AND MEMBERS

Parties in Legislature: The first assembly elections in the Union Territory of Mizoram were held in 1972. The Mizo Union and the Mizo National Front supported by the Congress Party were the main contestants. In 1978 assembly elections, Brig. T. Sailo's party, the People's Conference, won by an overwhelming majority. But in the 1984 elections, the People's Conference was dislodged from power with just eight seats to its credit and the Congress Party was voted to power. In the Assembly elections held in 1987, the Mizo National Front with 24 seats was voted to power. Elections were held for the sixth Assembly in January 1989 and the Congress Party with 22 seats was once again the ruling Party.

Party Whips: The main function of the Party Whip is to control his legislature party members as and when it is necessary to cast vote in the House.

Leader of the Opposition: Generally the Leader of the Opposition is elected as Chairman of the Public Accounts Committee and he is given a seat in the front line of the House. No other facilities are given to the Leader of the Opposition. He draws salary and allowances as are drawn by other members of the House.

Qualifications for Membership: A person is not qualified to be chosen to fill a seat in the Legislative Assembly unless he is:

(a) a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission, on Oath or affirmation.
(b) not less than twenty five years of age.
(c) having other qualifications as may be prescribed in that behalf or under any law.

It is not necessary to be a resident of the constituency from which one seeks election, but one should be an elector in any of the constituencies of the State.

Oath / Affirmation: A member who has not already made and subscribed an oath or affirmation, may do so at the commencement of a sitting of the Assembly or at any other time of the sitting of the Assembly as the Speaker may direct or on any day after giving previous notice in writing to the Secretary. No member shall be entitled to take part in any proceedings of the House unless he has made and subscribed an oath or affirmation.

Salary and other facilities: The members get a monthly salary of Rs. 1,500/- besides a Constituency allowance of Rs. 2,500/- and a contingency allowance of Rs. 1,000/-. They also get travelling and daily allowance as admissible to a first grade officer of the Central Government working in Mizoram. Besides, the members are also entitled to the following facilities:-

(a) *Housing facilities*: Except on MLA Hostel, there is no provision for accommodation to the members.
(b) *Medical facilities*: Free Medical treatment as per Central Government Medical Attendance Rules is available to the members.
(c) *Telephone facilities*: If the members have their own telephones, rental charges and local charges are paid by the Government. Telephone charges are paid by the Government only if the members have their own telephones.

(d) *Research, Reference and Library facilities*: A library functions in the Assembly Secretariat mainly for the use of members.
(e) *Postal and Stationery facilities*: Letterhead (pads) with envelopes are provided free of cost to members.

Resignation: A member who desires to resign his seat in the Assembly should intimate in writing under his hand addressed to the Speaker, his intention to resign his seat in the Assembly in prescribed form and should not give any reason for his resignation. Provided that where any member gives any reason or introduces any extraneous matter, the Speaker omits such words, phrases, or matter and the same are not read out in the House. As soon as may be, the Speaker, after he has received an intimation in writing from a member under his hand resigning his seat in the Assembly, informs the House that the said member has resigned his seat in the Assembly. Provided that when the Assembly is not in session, the Speaker informs the House immediately after the House re-assembles, that the said member has resigned his seat in the Assembly. The Secretary, as soon as may be, after the Speaker has received such intimation from a member resigning his seat in the Assembly, notifies the vacancy in the Official Gazette and causes a copy of the notification to the Governor and the Election Commission.

Absence from House: A member desiring permission of the House to remain absent from the sittings thereof can make an application in writing to the Speaker. The application should specify the period for which leave of absence is required, indicating also the date of commencement and of termination of such leave of absence and the grounds for it, provided that leave of absence applied for at any time does not exceed a period of sixty days. If a member is absent from two or more consecutive sittings of a Committee without the permission of the Chairman, a motion may be moved in the House for the discharge of such member from the Committee. Provided that where the members of the Committee are nominated by the Speaker, such member may be discharged by the Speaker, after giving him an opportunity to explain himself. The seat of a member is declared vacant if the absence is for a period exceeding sixty days without obtaining the permission

of the Speaker.

Expulsion: The Speaker may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the House and any member so ordered shall do so forthwith.

Suspension: The Speaker may name a member who disregards the authority of the Chair, or abuses the Rules of the House by persistently and willfully obstructing the business and if a member is so named by the Speaker, he forthwith puts the question that the member (named) be suspended from the service of the House during the remainder of the Session.

SESSIONS AND SITTINGS

Issue of Summons: The Chief Minister, in consultation with Speaker, advises the Governor for summoning of the Assembly. The Assembly Secretariat takes the initiative in proposing the summoning of Session. The proposal agreed upon between the Speaker and the Chief Minister is then sent to the Governor through the Political Department. If the Governor approves the proposal, he issues the summons. The summons is then reproduced by the Assembly Secretariat and sent to all members.

Prorogation of the Legislative Assembly: After the Speaker adjourns the House *sine die*, the fact is intimated to the Governor through the Parliamentary Affairs Department with a request to issue a prorogation order. As and when the prorogation order is received from the Governor a notification is issued to the effect that the session is prorogued by the Governor and is published in the Mizoram Extraordinary.

Emergent Sessions: There is no specific provision for holding emergent sessions. Generally, sessions are held twice in a year. When a session is called urgently, the summons are not issued separately to members, but the announcement of date and place is made in the official Gazette and outstation members are informed by telegram.

Secret Session: On a request being made for a secret sitting of the Assembly by any member, the Speaker in consultation with the Leader

of the House, decides the necessity of such a sitting and if it is so decided, fixes a day or part thereof for the sitting of the Assembly in secret. When the Assembly sits in secret, no stranger is permitted to be present in the Chamber, Lobby or Gallery unless otherwise authorised by the Speaker.

There is no separate procedure or specific provision for short notice session except that summons to members is not issued separately. Instead, it is notified and published in the official Gazette and members are informed telegraphically.

BUSINESS OF THE HOUSE

Order of Business: The following is the order adopted for arrangement of business in the List of Business in the House:

1. Oath/Affirmation by members, if any.
2. Obituary, if any.
3. Starred Question.
4. Short notice Question.
5. Adjournment Motion.
6. Laying of papers on the Table.
7. Question of breach of Privilege.
8. Calling Attention Notices.
9. Announcement by the Speaker regarding various matters.
10. Presentation of Report of the Committees.
11. Statement by Ministers.
12. Motion for Election of Committees.
13. Motion for Resolutions.
14. Legislative Business.

Business Advisory Committee: At the commencement of the House or from time to time, as the case may be, the Speaker nominates the Business Advisory Committee consisting of not more than six members including the Speaker who is the Chairman of the Committee.

The functions of the Committee are to recommend the time should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Speaker, in consultation with the Leader of the House, may direct for being referred to the Committee. The Committee has the power to indicate in the proposed time-table the different hour at which the various stages of the Bill or other business are to be completed. The Committee also has such other functions as may be assigned to it by the Speaker from time to time. The time-table in regard to business as settled by the Committee is reported by the Speaker to the Assembly and circulated to the members. As soon as may be, after the report has been made to the House, a motion may be moved by a member of the Committee designated by the Speaker: 'that this Assembly agrees with the allocation of time proposed by the Committee in regard to such and such Bill or Bills or other Government business,' and if such a motion is accepted by the House, it takes effect as if it were an order of the House.

List of Business: A List of Business is prepared by the Secretary and is circulated to all members on the previous day. The following items can be taken up in the House without entry in the List of Business:

(i) Adjournment Motion.
(ii) Calling Attention Motion.
(iii) No Confidence Motion.
(iv) The Mizoram Legislative Assembly do not constitute a Committee on Private Members' Business. No business not included in the List of Business for the day is transacted at any meeting without the leave of the Speaker.

Rules of Debate: When more than one member stands to speak at a time, only the member whom the Speaker names is allowed to speak. In other cases there is no such naming. Members speak from their seats. If any member is unable to speak in the official language of the State, he has to make available in advance to the Secretary a copy of the speech written in English. Time limit on speeches has been prescribes in some cases like Short duration discussion, Debate on Resolution, Discussion on motion for removal of Speaker/Deputy

Speaker, General discussion on Budget etc. The fixation of time limit depends upon the number of members who like to speak. If there is no such member to speak, it is not necessary to prescribe a time limit. The Chief Minister or any other Minister has a general right to reply explaining the position of the Government on behalf of the Government on Motion of Thanks on Governor's Address, Short Duration Discussion, Calling Attention Motion, General Discussion on Budget.

Voting Procedure: In the case of Resolutions, Bills and the Budget, 'voice vote' is adopted, while in the case of No-Confidence Motion 'raising of hands' while standing is adopted. For elections, casting of vote through ballot is adopted.

Proceedings: The title of the debates published in a book form is "Proceedings of the Mizoram Legislative Assembly". Mizo and English languages are used in the House. All members speak in Mizo in the House but since Mizo language is not the official language of the Government, it is translated into English. The debate is published in two languages. Debates are recorded verbatim. In the absence of short-hand in the Mizo language, recording of Assembly debates is very difficult. The debates are therefore recorded on a tape-recorder and the tape- recorded speeches are then transcribed.

PRESIDING OFFICERS

The Speaker *pro tem* is appointed by the Governor and the person so appointed is empowered to perform the duties of the Speaker from the commencement of the first meeting of the Mizoram Legislative Assembly until the Speaker shall have been chosen by the said Assembly. The Speaker *pro tem* is paid a salary as per the Mizoram Salary Allowances of the Speaker and Deputy Speaker of Legislative Assembly Act, 1973, as amended from time to time.

When necessity arises to elect a Speaker, the Governor fixes a date for holding election and the Secretary sends to every member the notice of the date so fixed. At any time before 3.30 p.m. in the day preceding the date so fixed any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder

stating the name of the member nominated; and that the proposer has ascertained that such member is willing to serve as Speaker, if elected.

The Speaker *pro tem* or Deputy Speaker or any of the members presiding over the sitting reads out to the Assembly the names of members who have been nominated together with those of the proposers and seconders. If only one member has been so nominated that member is declared elected as Speaker. If more than one member is nominated, the Assembly shall proceed to elect by ballot. When there are two candidates, the candidates obtaining the larger number of votes is declared elected. In case of equality, it is determined by the drawing of lots.

The Speaker or the Governor, where there is no Speaker, fixes a date for holding of the election of the Deputy Speaker and the Secretary sends to every member notice of the date so fixed unless the same is announced to the House by the Speaker. The procedure to be followed is the same as is in the case of election to the office of the Speaker.

Generally, the Speaker and Deputy Speaker hold office for a period of 5 years unless they resign sooner or are removed by a resolution of the Assembly passed by the majority of all the then members of the Assembly. Wherever the Assembly is dissolved, the Speaker does not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

The Speaker and the Deputy Speaker, once elected, can also be removed from office. Any resolution to remove the Speaker or the Deputy Speaker from office, of which at least fourteen days' notice has been given, is read out to the Assembly by the person presiding, who then requests the members who are in favour of leave being granted to move the resolution to rise in their places, and if not less than ten members of the House rise accordingly, the person presiding allows the resolution to be moved. If less than ten members of the House rise, the person presiding informs the member who may have given the notice, that he has not the leave of the Assembly, to move it. If the notice of a 'Non-confidence Motion' against the Speaker or the Deputy Speaker is tabled, the House is not adjourned till the provisions of the Rules of Procedure are complied with and the motion of No- confidence is disposed of finally. On the appointed day, the resolution is included

in the List of Business to be taken up after the questions and before any other business for the day is entered upon. Except with the special permission of the Speaker or the person presiding, a speech on the resolution is not to exceed fifteen minutes in duration. Provided that the mover of the resolution when moving the same may speak for such longer time as the Speaker or the person presiding may permit.

Just after they are declared elected as members of the Assembly, they are entitled to get the salary and allowances as are admissible under the Mizoram Salaries, Allowances and Pension of Members of the Legislative Assembly Act, 1973 (as amended) upto the date prior to their election as Speaker or Deputy Speaker as the case may be, and salary allowance as admissible under the Mizoram Salary and Allowances of the Speaker and Deputy Speaker Act, 1973 (as amended) from the date they are elected as Speaker/Deputy Speaker, respectively. They cease to draw this Salary as Speaker/Deputy Speaker as soon as they cease to be the Speaker/Deputy Speaker. Besides, they are provided free furnished bungalow. They are entitled to free medical attendance as per the Central Government Medical Attendance Rules.

As the Speaker is elected to conduct the business of the House, he has to be shown utmost respect. He is to be heard by members as well as ministers. All members are expected to obey him while he is conducting the business of the House. Being the Head of the House, he is also consulted in all matters of importance.

Names of Speakers and Deputy Speakers of the Mizoram Legislative Assembly, since its inception, are given below:

Speakers	*Deputy Speakers*
Dr H. Thansanga	Shri Pu. Hiphei
Shri Pu. Vaivenga	Shri Pu C. Chawngkunga
Shri Pu. Thangridema	Shri Pu C. Chwngkunga
Dr Kenneth Chwnliana	Shri Pu Biakchhunga
Dr H. thansanga	Shri Pu K. Sangchhum
Shri John Thanghuama	Shri K. Thanfianga
Shri Rakamlava	Shri P. Lalbiaka

PROCESS OF LEGISLATION

The Legislative proposal orginates from the Department concerned and the proposal for enactment in the shape of a Bill contains the following essential features:

(i) Effective date for enforcement.
(ii) Extent of the Act.
(iii) In case of Amendment Bill—the clause or section of the principal Act to be amended should be indicated and in other cases the main intention of the Bill should be fully and clearly mentioned.
(iv) The mode of carrying the Act for enforcement.
(v) The reason/ground for proposing such enactment.
(vi) Recommendation of the Governor should be obtained for the introduction and motion for consideration of the Bill. If the Bill is a Money Bill, Statement showing the probable annual financial involvement should also be appended.

The Bill should be signed by the member in case of private member's Bill and by the concerned Minister in the case of Government Bill. The only difference between Government Bill and Private Members' Bill is that a private member has to give one month's notice of his intention to introduce a bill while only seven days' notice is required for Government Bill. A private member has to initiate his proposed Bill by himself in consultation with the Law Department while Government Bill is to be initiated by the Department concerned in consultation with the Law Department. There is no special procedure involved in financial or Money Bill except that it is certified by the Speaker that the Bill is a money/Financial Bill at the time of sending it to the Law Department after it is passed in the House for obtaining assent.

Legislative Process: The following are the different stages of the Legislative process:-

(i) Sending of copy of a Bill to members for advance study.
(ii) Motion for introduction.

(iii) Introduction.
(iv) Motion for Consideration.
(v) Motion to pass the Bill.

At the time of consideration, the principle of the Bill is to be taken first which is called *First Reading*. Then consideration of clause by clause follows. This stage is called *Second Reading*. Then comes the next stage which is called *Third Reading*. At this stage, the Bill comes under the vote of the House. After the Bill is passed, the Speaker certifies that it is passed by the House and mentions the date.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

Question Hour: Unless the Speaker otherwise directs the first hour of every sitting is available for asking and answering of questions. Ordinary questions may be either, "Starred" or "Unstarred" questions. "Starred" questions are distinguished by an asterisk (*); provided questions requiring elaborate statistical information or reports may not be admitted as "Starred" questions. "Starred" questions are answered orally. The answers to "Unstarred" questions are printed or typed along with the questions. Fifteen clear days' notice is required to be given for asking an ordinary question.

Short Notice Questions: A question relating to a matter of public importance may be asked with notice shorter than fifteen clear days and if the Speaker is of the opinion that the question is of an urgent character, he may, in consultation with the Minister concerned, fix a day for the reply to such a question. Such questions are called immediately after the starred questions listed for the day have been disposed of, and if the Question Hour has either been disposed with or has not been provided for, it may be called for answer as the first item of business, and if there is any new member to take oath or affirmation, then immediately thereafter.

Half-an-Hour Discussion: The Speaker allots half-an-hour or such time as he deems fit for raising discussion on a matter of sufficient public importance which has been the subject of a recent question, oral

or written, and the answer to which needs elucidation on a matter of fact. A member wishing to raise a matter can give notice in writing to the Secretary three days in advance of the days on which the matter is desired to be raised, and should shortly specify the point or points that he wishes to raise. Provided that the notice is accompanied by an explanatory note stating the reasons for raising dicussion on the matter in question. Provided further that the notice is supported by the signatures of at least another member. The Speaker may with the consent of the Minister concerned waive the requirement concerning the period of notice. The Speaker decides whether the matter is of sufficient public importance to be put down for discussion, and may not admit a notice which, in his opinion, seeks to revise the policy of the Government. Not more than one such matter is raised on a particular day.

Calling Attention Notice: A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and of recent occurence and the Minister may make a brief statement or ask for time to make statement at a later hour or date. There is no debate on such statement at the time it is made. Not more than one such matter is raised at the same sitting.

Short Duration Discussion: Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. The notice is required to be accompanied by an explanatory note stating reasons for raising discussion on the matter in question. The notice should also be supported by the signatures of at least two other members. If the Speaker is satisfied after calling for such information from the member who has given notice and from the Minister concerned as he may consider necessary, that the matter is urgent and is of sufficient importance to be raised in the House at an early date, he may admit the notice and in consultation with the Leader of the House fix the date on which such matter may be taken up for discussion and allow such time for discussion, not exceeding two hours, as he may consider appropriate in the circumstances; provided that if an early opportunity is otherwise available for the discussion of the matter, the Speaker may refuse to admit the notice. There is no formal motion before the House nor voting. The member who has given

notice may make a short statement and the Minister replies in brief. Any member desirous of taking part in the discussion may be permitted to do so by the Speaker. The Speaker may, if he thinks fit, prescribe a time-limit for the Speeches.

Motion for adjournment: A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance is made with the consent of the Speaker. The Speaker decides whether the matter to be discussed is definite and whether it is of urgent public importance. Notice of an adjournment motion is given before the commencement of the sitting on the day on which the motion is proposed to be made to each of the following:

(i) The Speaker;
(ii) The Minister concerned; and
(iii) The Secretary

The Speaker, if he gives consent and holds that the matter proposed to be discussed is in order, then after the questions and before the List of Business is entered upon, calls the member concerned who rises in his place and asks for leave to move the adjournment of the House. Provided that where the Speaker has refused his consent or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of motion and state the reasons for refusing consent or holding the motion as being not in order. The motion is taken up at such hour as the Speaker may decide. The Speaker may, if he is satisfied that there has been adequate debate, put the question at such hour as he decides, but such debate does not continue for more than two hours. The Speaker can prescribe time limit for speeches.

Governor's Address: At the commencement of the first session after each General Election to the Legislative Assembly and the commencement of the first session of each year or from time to time, the Governor may address the Assembly. Provided that the making of the prescribed oath or affirmation by a member and, in the case of a first session held after each General Election to the Assembly the election of the Speaker precedes the Governor's Address. After the delivery of

the speech by the Governor, the Speaker reports to the Assembly that the Governor has been pleased to make a speech and lays a copy of the speech on the Table of the House. On such day or days or part of any day, the Assembly is at liberty to discuss the matters referred to in such Address on a Motion of Thanks moved by a member and seconded by another member. Amendments may be moved to such Motion of Thanks in such form as may be considered appropriate by the Speaker. The Chief Minister or any other Minister, whether he has previously taken part in the discussion or not, on behalf of the Government, has a general right of explaining the position of the Government at the end of the discussion and the Speaker may enquire how much time is required for the speech so that he may fix the hour by which the discussion may conclude. The Speaker may, if he thinks fit, prescribe a time-limit for speeches after taking the sense of the House.

Petitions: Every petition is required to be couched in respectful, decorous and temperate language. The language used should be either Mizo or Hindi or English and if it is in any other language it should be accompanied by a translation in English, and should be signed by the petitioners. Letters, affidavits or other documents are not be attached to any petition. Every petition, if presented by a member, has to be countersigned by him. If a petition is made in any Indian language other than Mizo, Hindi or English, its translation in English is also countersigned by the member presenting it. A member does not present a petition from himself. Every petition is addressed to the Assembly and is concluded with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates. A member should give advance intimation to the Secretary of his intention to present a petition. Every petition, after presentation by a member or report by the Secretary, as the case may be, stands referred to the Committee on Petitions. A Committee on Petitions is constituted to hear or to settle petition/representation referred to it. The Committee examines every petition referred to it. The petition is circulated in *extenso* or in summary form as directed by the Committee or the Speaker, as the case may be. The Committee reports to the House and suggests remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future. The Committee on Petitions consists of not less than five members.

BUDGET IN LEGISLATURE

The Budget: The Budget is the annual financial statement or the statement of the estimated receipts and expenditure of the State in respect of every financial year. The Business Advisory Committee fixes a date for the presentation of the Budget in the House. Generally Budget is presented in the middle of March every year so as to enable the House to pass it before the beginning of the next financial year. No discussion on the Budget takes place on the day it is presented to the Assembly.

The Budget contains the following documents:-

(a) Annual Financial Statement
(b) Demands for Grants
(c) Appendix 'A'
(d) Supplementary Demand for Grants
(e) Explanatory Memorandum
(f) P.W.D. work schedule
(g) P.H.E. work schedule.

General discussion on the Budget begins on days to be appointed by the Governor after consultation with the Speaker which is not earlier than two days subsequent to the day on which the Budget is presented and for such time thereafter, as the Governor, after consultation with the Speaker, may allot for this purpose. The House is at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion is moved at this stage, nor is the Budget submitted to the vote of the House. Discussion generally takes two days. The Finance Minister has a general right of reply at the end of the discussion. The Speaker may, if he thinks fit, prescribe a time-limit for speeches. In order to make demand for grants, a Minister has to obtain the recommendation of the Governor, without which no demand can be made in the House. At this stage discussion is purely on the departments concerned with the demand. At the end of the discussion on each demand, the Minister concerned replies to the discussion and requests the House to pass his demands.

Vote on Account: A motion for vote on account states the total sum, and the various amounts needed for each department or service or item of expenditure which compose that sum, to be stated in a schedule appended to the motion. Amendments may be moved for the reduction of the whole grant or for the reduction or omission of the items whereof the grant is composed. Discussion of a general nature is allowed on the motion or any amendments moved thereto but the details of the grant are not discussed further than is necessary to develop the general points. In other respects a motion for vote on account is dealt with in the same way as if it were a demand for grant.

Supplementary Grants: The Governor may allot one or more days for presentation of a statement of demands for grants in respect of supplementary or additional or excess expenditure. The Governor may, after consultation with the Speaker, allot one or more days for the discussion and voting of such demands. The debate on supplementary grants is confined to its items and no discussion is raised on the original grants nor on the policy underlying them save insofar as it may be necessary to explain or illustrate the particular items under discussion.

Cut Motions: A motion may be moved to reduce the amount of a demand in any of the following ways:-

(a) "that the amount of the demand be reduced to Re.1/" as representing a disapproval of the policy underlying the demand. Such a motion is known as the *Disapproval of Policy Cut*. A member giving notice of such a motion has to indicate in precise terms the particulars of the policy which he proposes to discuss. The discussion is confined to the specific point or points mentioned in the notice and it is open to members to advocate an alternative policy;

(b) "that the amount of the demand be reduced by a specified amount" representing the economy that can be affected. Such specified amount can be either a lump sum reduction in the demand or omission or reduction of an item in the demand. The motion is known as *Economy Cut*. The notice has to indicate briefly and precisely the particular matter

on which discussion is sought to be raised and speeches have to be confined to the discussion on how economy can be effected;

(c) "that the amount of the demand be reduced by Rs.100 in order to ventilate a specific grievance, which is within the sphere of the responsibility of the Government. Such a motion is known as *Token Cut* and the discussion thereon has to be confined to the particular grievance specified in the motion.

LEGISLATIVE COMMITTEE

The Committee system was first introduced in the Mizoram Legislative Assembly in 1972. Presently, the following Committees are in existence:-

(i) Public Accounts Committee (nine members)
(ii) Estimates Committee (nine members)
(iii) Business Advisory Committee (six members)
(iv) Rules Committee (nine members)
(v) Committee on Petitions (five members)
(vi) Committee on Privileges (seven members)
(vii) Committee on Subordinate Legislation (seven members)
(viii) Committee on Government Assurances (six members)
(ix) House Committee (six members)
(x) Library Committee (six members)
(xi) General Purposes Committee (not specified)

Members and Chairmen of all the Committes except Public Accounts Committee, Committee on Estimates, Select Committee and General Purposes Committee, are appointed by the Speaker. Members of the two Financial Committees i.e., Public Accounts Committee and Committee on Estimates are elected by the House from among its members according to the principle of proportional representation by means of single tranferable vote. The Chairman of the Committees are

appointed by the Speaker from among the elected members. The General Purposes Committee consists of the Speaker, who is also the *ex-officio* Chairman of the Committee, the Deputy Speaker, members of the Panel of Chairman, Chairmen of all Standing Committees of Assembly, Leaders of recognised Parties and Groups in the Mizoram Legislative Assembly and such other members as may be nominated by the Speaker. Select Committees are appointed by the House.

Except Public Accounts Committee and Estimates Committee, the term of office of members of Assembly Committees is one year from the date of the constitution of the Committees or till a new Committee is constituted.

Standing Financial Committees

Estimates Committee: The Committee consists of not more than nine members to be elected by the House from among its members according to the principle of proportional representation by means of the single transferable Vote. Ministers are not elected as members. One ceases to be a member of the Committee from the date of one's appointment as Minister. The term of office is 30 months. The functions of the Estimates Committee are:-

(i) to report what economies, improvement in organisation efficiency or administrative reform, consistent with the policy regarding the estimates, may be effected;
(ii) to suggest alternative policies in order to bring about efficiency and economy in administration;
(iii) to examine whether the money is well-laid out within the limits of the policy implied in the estimates; and
(iv) to suggest the form in which the estimates shall be presented to the Assembly.

Public Accounts Committee:- The Committee consists of not more than nine members who are elected by the House from amongst its members according to the principle of proportional representation by means of the single transferable vote. The term of office is 30 months.

Ministers are not elected to this Committee. A member, after election, ceases to be a member of the Committee if he is appointed as Minister. The main function of the Committee is to examine such accounts showing the appropriation of sums granted by the Assembly for the expenditure of the Government of Mizoram; the annual financial accounts of the Government of Mizoram and such other accounts laid before the Assembly as the Committee may think fit. While scrutinizing such accounts it is also the duty of the Committee to satisfy that moneys shown in the accounts as having been disbursed are legally available for, and applicable to, the service or purpose to which have been applied for or charged and the expenditure confirms to the authority which governs it. The Committee also considers the Report of the Comptroller and Auditor-General of India in cases where the President may have required him to conduct an audit of any receipts or to examine the accounts of stores and stocks. If the money has been spent on any service during the financial year in excess of the amount granted by the House for that purpose, the Committee examines with reference to the facts of each case, the circumstances leading to such an excess and make such recommendations as it may think fit. The Committee is also to ascertain that the money granted by the Legislature has been spent by the Government within the scope of the demand.

LEGISLATIVE PRIVILEGES

The main immunities/privileges of the members are:

(a) No arrest is made within the precincts of the House without obtaining the permission of the Speaker.
(b) A legal process, civil or criminal, shall not be served within the precincts of the House without obtaining the permission of the Speaker.
(c) Freedom of speech in the House.
(d) Immunity to a member from any proceeding in any court in respect of anything said or any vote given by him in the House or any Committee thereof.

A breach of Privilege, either of a member or of the House or of a Committee thereof, may, with the consent of the Speaker, he brought to the notice of the House:

(i) by a complaint from a member;
(ii) by a petition; or
(iii) by a report from a Committee

Provided that if the breach is committed in actual view of the House, the House may take action without complaint.

The right to raise a question of privilege is governed by the following conditions:-

(i) not more than one question shall be raised at the same sitting;
(ii) the question shall be restricted to a specific matter of recent occurrence.
(iii) the matter requires the intervention of the House.

Committee of Privileges: The Committee of Privileges consists of not more than seven members who are appointed by the Speaker. The Committee examines every question referred to it and determines with reference to the fact of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it, and make such recommendations as it may deem fit. The report of the Committee may also state the procedure to be followed by the Assembly in giving effect to the recommendations made by the Committee.

SERVICING OF LEGISLATURE

The Secretary: The Secretary is the Head of the Legislature Secretariat. He is appointed by promotion, or by transfer or on deputation. The Deputy Secretary (confirmed) having rendered not less than five years of service in the grade can also be appointed as Secretary.

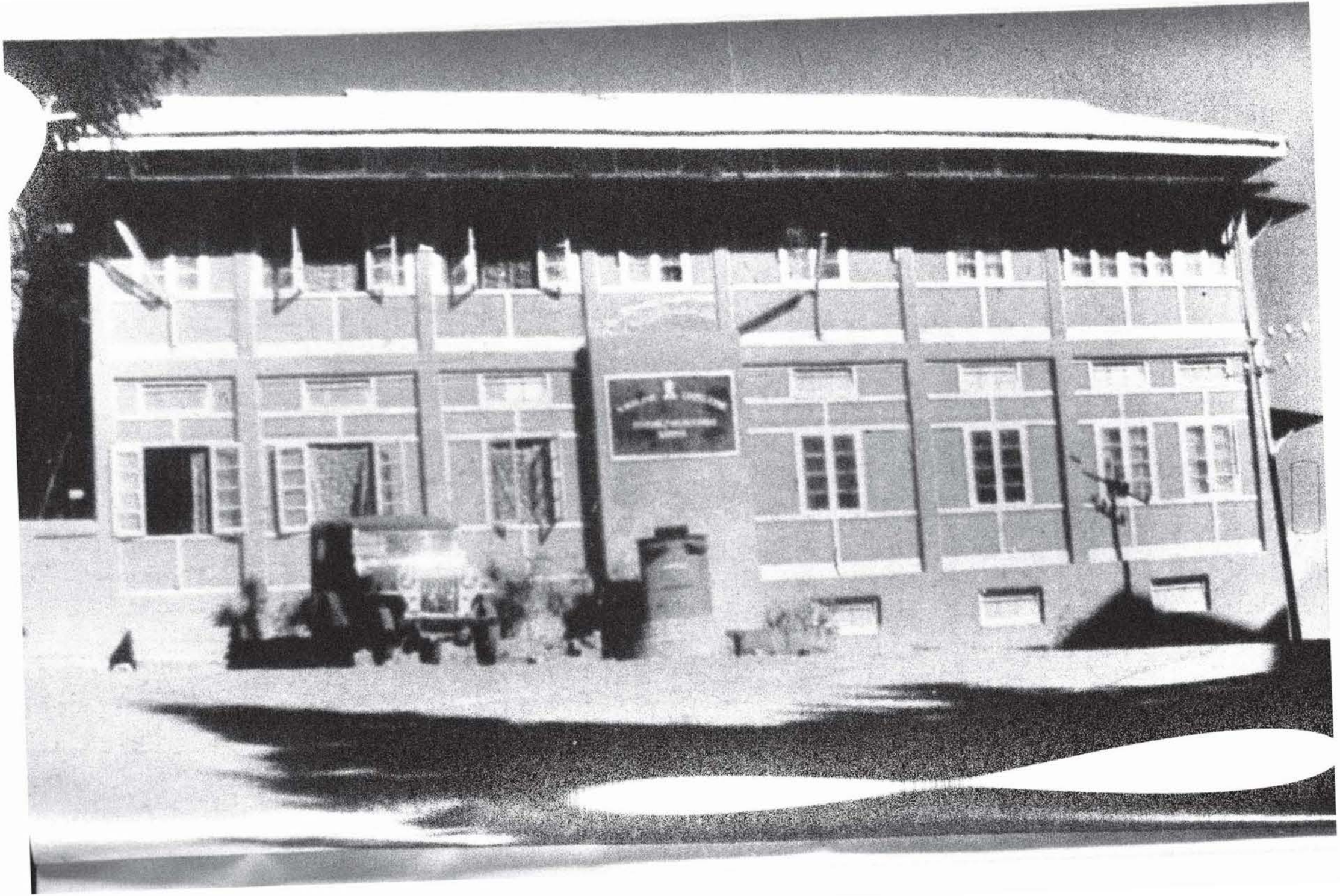
Officers from Central or State Governments or Union Territory Administrations holding analogous posts can also be appointed as Secretary on transfer or on deputation. The Secretary is the highest authority on legislative matters but he has to seek Speaker's advice on summoning an Assembly Session, preparation of lists of business etc. He is the highest authority in respect of financial matters, administrative matters and overall supervision of staff. The age of retirement of the Secretary at present is equal to the Heads of other Government departments. The names of successive heads of the Legislatve Assembly Secretariat are given below:

Successive Secretaries

1. Shri Handgue
2. Shri D.C. Pandey
3. Dr D.N. Gadhok
4. Shri J. Malsawma
5. Shri L.C. Thanga
6. Shri H.L. Chunga

The Secretariat: The Secretariat was established on 21 January, 1972 with Union Territory Status and it became a State Secretariat on 20 February, 1987 when Mizoram attained full-fledged statehood. At present there are five different branches in the Secretariat viz:-

(1) Legislation Branch which deals with all the Legislative matters.
(2) Establishment Branch which deals with all the Establishment matters.
(3) Committee Branch which deals with all the Legislative Committee matters.
(4) Library Branch which deals with the library meant for MLAs, publications and all periodicals, and
(5) The Speaker's Personal Branch.



NAGALAND

ORIGIN AND GROWTH

The present Nagaland was only a district called "Naga Hills" within the State of Assam till 1957. It was put under the administration of the Ministry of External Affairs with the nomenclature of Naga Hills Tuensang Area (NHTA) from 1 December, 1957 to 18 February, 1961.

In July, 1960, the discussion between the Prime Minister of India and the leaders of the Naga People Convention resulted in a 16 point Agreement whereby the Government of India recognised the formation of Nagaland as a full-fledged State within the Union of India. Accordingly, the State of Nagaland was placed under the Nagaland (Transitional Provisions) Regulation, 1961 which provided for an Interim Body consisting of 45 members to be elected by various tribes according to the customs, traditions and usage of the respective tribes. The Interim Body was dissolved on 30 November, 1963. The people of Nagaland for the first time went for General Election in the month of January, 1964 and the first Nagaland Legislative Assembly was formally constituted on 11 February, 1964.

STRUCTURE OF LEGISLATURE

According to the provision of Section 11 of the State of Nagaland Act, 1962, the total number of seats in the Nagaland Legislative Assembly was fixed at sixty. However, for the period referred to in Article 371 (A) of the Constitution, the first ten years from the date of formation of the State, the total number of seats in the *Legislative Assembly of* Nagaland was initially fixed at 46 of which 6 seats were reserved for Tuensang district to be filled by persons chosen by members of the Tuensang Regional Council from amongst themselves. With effect

← State Legislature Building, Nagaland.

from 6 March 1969, the seats allotted to Tuensang district were raised from 6 to 12 and the strength of the Legislative Assembly increased from 46 to 52. In the 1974 election, the people of Tuensang exercised for the first time their voting right of adult franchise to elect 20 members from Tuensang district and the strength of the Assembly was raised to its full strength of 60 members. The State was under President's Rule from March, 1975 to November, 1977. On 7 August 1988 the State was again brought under President's Rule and the Assembly was dissolved. There have been so far seven General Elections in Nagaland. There is no nominated member in the Nagaland Legislative Assembly and all the 60 members are elected on the basis of adult franchise.

The normal tenure of the House is five years. Details of the tenure of the Nagaland Legislative Assembly are given in Table 1 below.

Table 1: Tenure of Nagaland Legislative Assembly

S.No.	Legislative Assembly	Tenure	
		From	To
1	First	1964	1969
2	Second	1969	1974
3	Third	1974	1975
4	Fourth	1977	1982
5	Fifth	1982	1987
6	Sixth	1987	1988
7	Seventh	1989	1992

PARTIES AND MEMBERS

Parties in Legislature: Since the inception of the State, Nagaland has been having two political parties. In the first Nagaland Assembly the two political parties in the House were the Naga Nationalist Organisation (NNO) and the Democratic Party. The Democratic Party members resigned en bloc on 8 December, 1964. The vacancies were filled in by the bye-election in 1966 in which all NNO party members got elected.

In the third and fourth Legislative Assemblies, the two political parties which dominated the House were the NNO and the United Democratic Front (UDF). The two recognised parties in the Fifth Assembly were the Congress(I) and the Nagaland National Democratic Party (NNDP). The unrecognised political party, the Naga People's Party (NPP), had a lone member in the fifth Legislative Assembly. The seventh Legislative Assembly had two parties, the Congress(I) and the Nagaland People's Council (NPC) initially with 36 and 24 seats respectively. The House was dissolved on 27 March, 1992 and the State was placed under President's Rule on 2 April, 1992.

Party Whips: The whips of the political parties in the Nagaland Assembly act in accordance with the party instructions and decisions. They instruct members of their respective parties to attend the House and vote whenever certain Bills or motions etc., come up before the House. Besides, they participate in parliamentary seminars, conferences and training, etc., intended for enabling them to play an effective role in a democratic set-up.

Leader of the Opposition: The Leader of the Opposition in Nagaland enjoys certain facilities like an office room and an office peon. He also gets stenographic assistance and other stationery items as and when required. He draws his pay and other allowances as admissible to other ordinary members of the Assembly.

Qualification for Membership: Membership of the Nagaland Legislative Assembly is regulated under the provisions of Article 173 of the Constitution.

Oath / Affirmation: Before taking his seat in the House, every member is required, under Article 188 of the Constitution, to make and subscribe before the Governor or some persons appointed in that behalf by him, an oath or affirmation and sign in the presence of the Secretary, Nagaland Legislative Assembly, the roll of members maintained for the purpose.

The first item in the List of Business of the first sitting of the Assembly after the General Election is devoted to oath-taking by members. If a member is not able to make and subscribe oath or affirmation at the commencement of the sitting of the House, he may do so at the first opportunity available in the sitting of the House as

the Speaker may direct.

Salary and other facilities: The salaries and allowances of members of the Nagaland Legislative Assembly are regulated under the provisions of the Nagaland Legislative Assembly Members' Salary and Allowances Act, 1964, as amended uptodate. At present, a member of the Nagaland Legislative Assembly is paid a salary of Rs. 1,000/- per month. Besides, a member is also entitled to the following facilities.

(a) *Housing facilities*: No separate housing accommodation is provided to members of the Nagaland Legislative Assembly. However, as and when they are required to attend the Assembly session and also meetings of the various Committees, they are provided a room in the MLA Hostel on payment of rent at a concessional rate.
(b) *Medical facilities*: Free medical treatment is given to members as well as members of their families.
(c) *Stenographic and typing facilities*: Stenographic and typing assistance are made available to members whenever required.
(d) *Research, Reference and Library facilities*:

Library Branch: The Nagaland Legislative Assembly Library, which is primarily intended for the use of Members, Officers and staff of the Assembly Secretariat, is a well-equipped one with select books, journals, periodicals, etc. Membership to the Library is also offered to the Members of Parliament from Nagaland, Senior Officers of the Nagaland State Government posted at Kohima., Ex-MLAs and Research Students can also make use of the Library with special permission from the Secretary.

The Library has books mostly on the subjects on Political Science, Parliamentary Affairs, Political History, Law, Encyclopaedia etc. Besides books, the Library preserves the debates/reports of the Lok Sabha, Rajya Sabha, and other State Assemblies and proceedings and reports of the Nagaland Legislative Assembly. Books on Nagaland and North-East India are also collected in the Library. Besides books, the Library also subscribes to all the newspapers published from

Nagaland, most of the National daily newspapers in English and a number of magazines.

Library Committee: This Committee consists of seven Members headed by the Deputy Speaker constituted every year by the Speaker. The main functions of the Committee are broadly to make recommendations for improved working of the Library and for selection of books for the Library.

Teleprinter News Service: A teleprinter news service has been provided to the Library to keep the members apprised of daily news in and around the country and the world. The important daily news are arranged and submitted to the H.S., H.D.S and Secretary for perusal.

Press Clippings: News on Nagaland, political developments, legal and constitutional matters etc. are culled out and preserved in the Library according to subjects for reference use by the Hon'ble Members.

Research and Reference Branch: The Research and Reference Branch prepares the subject Index of the Nagaland Legislative Assembly proceedings and publishes a journal called "Naga Assembly News" quarterly, for the benefit of Members and others interested in parliamentary democracy. Rulings of the chair, No confidence motion, wit and humour in the House, etc. are culled out from the proceedings of the Nagaland Assembly for reference purposes by the Members.

(e) *Postal and Stationery*: The Postal Department has placed one letter box in the premises of the Nagaland Legislative Assembly Secretariat to enable members to post their letters. No other postal or stationery facilities are extended to the members.

(f) *Catering Service*: The MLA Hostel, which is located within the precincts of the Assembly building, provides catering service. This service is meant mainly for the members of the Nagaland Legislative Assembly.

(g) *Transport facilities*: Means of transport and communication are very poor in Nagaland. Even a number of Sub-Divisional Headquarters are not connected with bus service due to lack

of good roads. The members of the Nagaland Legislative Assembly, therefore, have been finding it difficult to visit various places in their constituencies and to attend Assembly and Committee meetings. The Government of Nagaland, therefore, provides a car or a jeep of their own choice to members for their use during the period of their membership. An allowance ranging from Rs. 1,430 to Rs. 2,431 depending on the distance between their residence and the Assembly headquarters is paid to each member monthly for maintenance of the vehicle.

(h) *Other facilities*: Two personal aides are provided to every member. Each of the aides gets a fixed salary of Rs. 450/- per month.

Resignation: As soon as the Speaker has received an intimation in writing from a member resigning his seat in the Assembly and once he is satisfied about its bonafide he informs the House that the said member has resigned from the Assembly. The Secretary of the Assembly then notifies the vacancy in the Official Gazette and communicates the fact of resignation to the Governor and the Election Commission.

Absence from House: If a member finds at any time that he is unable to attend a sitting of the House, he seeks permission from the Speaker. If the absence is for a period of 60 consecutive days or more computed in the manner provided in Article 190 of the Constitution, he has to apply to the Speaker for permission of the Assembly to be so absent.

The Speaker reads out such application to the Assembly. The decision of the Assembly is then communicated to the member. If a member is absent without permission from the Assembly for a period of 60 consecutive days or more, the Speaker has to bring the fact to the Assembly for its decision. The manner in which the decision of the Assembly will be taken in the matter is decided by the Speaker according to Rule 179 of the Rules and Procedure and Conduct of Business in the Nagaland Legislative Assembly.

The Nagaland Legislative Assembly has not so far constituted the Committee on Absence of Members.

Expulsion: There has been no occasion in the Nagaland Legislative Assembly when a member of the House has been expelled. The Speaker may, if he deems necessary, name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business of the House. He puts the question that the member be suspended from the service of the House for a period not exceeding the remainder of the Session provided that the House may, at any time, on a motion being made, resolve that such suspension be terminated. A member suspended under this rule has to forthwith leave the precincts of the House.

In the Nagaland Legislative Assembly there were two occasions on which the House had to resort to suspension of the members for the rest of the sitting of the days.

Socio-economic background: Table 2 and 3 show the distribution of members from the first to the seventh Legislative Assembly by age-groups and educational background respectively.

SESSIONS AND SITTINGS

The Governor, from time to time, summons the Assembly to meet at such time and place as he thinks fit. But as per the provision of Article 174 of the Constitution six months should not intervene between the last sitting of the session and the date appointed for the first sitting of the next session. Generally, the Chief Minister, in consultation with the Speaker, proposes the date for summoning the session of the Assembly. The order summoning the Assembly is published in the Gazette for the information of all concerned. Departments are also informed in writing so that they can prepare themselves for the session.

Issue of Summons: When the Assembly is summoned by the Governor, summons are issued by the Secretary, Nagaland Assembly, to each Member by name intimating to him the date, time and place appointed by the Governor for its meeting. Usually summons are issued at least a month in advance of the date of commencement of the sessions.

In Nagaland on account of communication difficulties, the practice

Table2: Distribution of Members from First to Seventh Legislative Assembly by Age-groups

Age-groups	First Legislative Assembly (in numbers)	Second Legislative Assembly (in numbers)	Third Legislative Assembly (in numbers)	Fourth Legislative Assembly (in numbers)	Fifth Legislative Assembly (in numbers	Sixth Legislative Assembly (in numbers)	Seventh Legislative Assembly (in numbers)
21–30 years	19	8	6	6	5	1	3
31–40 years	20	30	34	30	32	12	12
41–50 years	5	11	13	19	14	30	32
51–60 years	2	3	7	4	8	12	9
61–70 years	–	–	–	1	1	5	4
Total	46	52	60	60	60	60	60

Table 3 Educational Background of Members from First to Seventh Legislative Assembly

Educational Background	First Legislative Assembly (in numbers)	Second Legislative Assembly (in numbers)	Third Legislative Assembly (in numbers)	Fourth Legislative Assembly (in numbers)	Fifth Legislative Assembly (in numbers	Sixth Legislative Assembly (in numbers)	Seventh Legislative Assembly (in numbers)
Under matriculates	18	10	24	19	20	15	11
Matriculates	3	11	–	–	–	2	–
Under graduates	3	1	5	5	5	8	21
Graduates	17	26	25	33	30	20	11
Post-graduates	5	4	6	3	5	15	17
Total	46	52	60	60	60	60	60

is that in addition to the aforesaid summons, wireless messages are also sent to members through the Administrative Officers informing them of the date of commencement of sessions.

Summons are also issued of shorter notice through telegrams or wireless message in case of emergency.

Secret Sessions: On a request made by the Leader of the House, the Assembly can sit in secret sessions. The Speaker has to fix a day or part thereof for sitting of the Assembly in secret. When the Assembly sits in secret, no stranger can be permitted to be present in the Chamber, Lobby or Galleries.

In Nagaland Legislative Assembly, no secret sitting has been held so far.

Table 4: Number of Sessions Held by Each Successive House from First to Seventh Assembly

Name of the House	Period	No. of sessions held
First Assembly	1964–1969	13
Second Assembly	1969–1974	16
Third Assembly	1974–1975	4
Fourth Assembly	1975–1982	15
Fifth Assembly	1982–1987	15
Sixth Assembly	1987–1988	2
Seventh Assembly	1989–1992	12

BUSINESS OF THE HOUSE

The business of the House can be classified into two categories: (a) Government business and (b) Private Members' Business. Government business is one which is initiated on behalf of the Government Departments by Ministers. The business initiated by members other than the Minister is known as the Private Members' business.

As the Government is responsible for carrying on the administration of the State, they have full time of the House to get the Bills passed, financial proposals sanctioned and motions or resolutions in support

of Government policies approved. That is why in the Rules of Procedure, Government Business is given priority and all working days in a week, except Friday is available to the Government. As a matter of fact, sessions are fixed, and days of sitting of the session are decided in accordance with the Government business to be transacted.

Private Members' Business: Every Friday, in each session, is allotted for the Private Members' Business. In case, however, a Friday happens to be a holiday, the Speaker, in his discretion, allots any other day for the Private Members' business. The relative precedence of notice of Bills and Resolutions given by the private members is determined by ballot in such manner as the Speaker may direct.

The daily List of Business is also prepared by the Secretary and circulated to all Ministers, Members and Secretaries of Departments on the previous evening.

As soon as a session is summoned, the Assembly Secretariat writes to all the Departments of the Government to intimate their business for the session. On the basis of the quantum of business known, a provisional programme for the whole session is drawn up which is put up to the Business Advisory Committee for approval. The provisional programme of business for the session as approved is circulated to the members of the Assembly, Ministers, Secretaries of Departments and others by the Secretary of the Assembly at least seven days ahead of the commencement of the Assembly session.

Order of Business: The business of the House is transacted in the following order:

(i) Swearing-in of Members, if any;
(ii) Obituary reference, if any;
(iii) Question for one hour unless the list of Question is exhausted earlier (Rule 30);
(iv) Leave to move an adjournment motion, if any (Rule 60);
(v) Matters relating to the privileges, if any (Rule 167);
(vi) Laying of papers in the House;
(vii) Presentation of Assembly Committee Reports;
(viii) Laying of petitions;

(ix) Other business as entered in the List of Business.

It has been the practice in the Nagaland Legislative Assembly that as a mark of respect to some expired leader/member, the Assembly is adjourned, without transacting any business, or without finishing the day's business. The untransacted/unfinished business is postponed to a later date to be determined by the Speaker.

Business Advisory Committee: The Business Advisory Committee, comprising seven members, is nominated for one year by the Speaker during the Budget Session every year. The function of the Committee is to recommend the time that should be allocated to various Government business and Private Members' business.

According to the rule, the time table in regard to a Bill or a group of Bills and other Government business, as settled by the Committee, is reported by the Speaker to the Assembly and is circulated to members. As per Rule 225, after the report is made to the House, a motion has to be moved approving the time table. By convention, however, in the Nagaland Assembly, such a formal approval is not resorted to and the time table recommended by the Committee is not included in the provisional programme of the session which is circulated seven days in advance.

Rules of Debate: With the permission of the Speaker, the members, irrespective of their party affiliation, can speak in the House. Members are allowed to speak from their seats. Reading of speeches is allowed only when prior permission is obtained and the copy of such speech is submitted in advance. Interruption is allowed on point of order by any member or by the Chair, if and when necessary. The Chair decides and prescribes time limit when deemed necessary. The right of reply is exercised when the Chair allows it.

Voting Procedure: On the conclusion of a debate, the Chair puts the question and invites those who are in favour of the motion to say "AYE" and those against to say "NO". The Chair, assessing the weight of the voice, declares the result. The Rules of Procedure and Conduct of Business do not provide for "Show of hands" as the method of voting.

If and when the Chair's opinion is challenged, the members are directed to go to the Lobbies to record their votes. All the outer doors

of the Lobbies are then closed and the Chamber Assistants are posted at each door with the standing instruction that anyone coming in or going out during the course of the division should be prevented from doing so. The Division Clerks in the "Ayes" and "Noes" Lobbies mark off on the division lists the numbers of members, who call out the same.

After the recording of the votes has been completed, the division lists are handed over to the Secretary, who passes them on to the Speaker. Later on, he announces the result to the House. The division is not complete till the result is announced to the House.

The Presiding Officer preserves order in the House and reserves all powers necessary for the purpose of enforcing his decision. The House has power to impose sanction against the members obstructing the business of the House. The Presiding Officer has the power to apply such sanction.

Proceedings: The title of the debates is called "Official Report, Proceedings of the Nagaland Legislative Assembly" and the language used is English. Reporters are engaged to record the verbatim proceedings of the House. Tapes are also used inside the House to ensure correct verbatim proceedings. If any of the members speaks in Nagamese (Broken Assamese) the reporters simultaneously translate it into English. The uncorrected portions of the debates of each member are sent to the members concerned for their authentication immediately after the session is over. Time given to them for their authentication is 15 to 20 days.

The time normally taken for issuance of edited and printed debates is between 5 to 6 months from the day the session is over.

All debates in the Nagaland Legislative Assembly are conducted in English or in Nagamese. There is no provision for simultaneous interpretation.

PRESIDING OFFICERS

In accordance with the powers conferred on him by Article 180 of the Constitution, the Governor appoints a member of the Assembly as the Speaker *pro tem* to perform the duties of the office of Speaker until the

Speaker is elected by the Assembly.

No salary and allowances are paid to the Speaker *pro tem* in the Nagaland Legislative Assembly.

After the members have taken oath, election to the office of the Speaker is taken up. On the date fixed by the Governor, notice of the date is communicated to every member by the Secretary.

Any member may nominate another member for election as Speaker and the nomination paper has to be signed by himself as proposer and by another member as seconder. The nomination paper must be delivered to the Secretary at any time before noon on the day preceding the date of election. The nomination paper should state: (a) the name of the member nominated and (b) that the proposer has ascertained that such a member is willing to serve as Speaker, if elected.

In the case of a new Assembly, the person appointed by the Governor to perform the duties of the Speaker pending the election of the Speaker, i.e. the Speaker *pro tem*, reads out to the Assembly the names of the members who have been duly nominated together with those of the proposers and seconders. On other occasions, the Deputy Speaker or the person presiding, reads out the name and conducts the election. If one member is nominated, he is declared elected. If more than one member is nominated, the Assembly proceeds to elect the Speaker by ballot.

The election of the Deputy Speaker, following the General Election or when a vacancy occurs, is held on a date fixed by the Speaker. The procedure followed for the election of the Deputy Speaker is the same as that of the Speaker. The term of office of the Speaker and the Deputy Speaker is five years. The position and status of the Speaker is at par with a member of the Council of Ministers (Cabinet) and of the Deputy Speaker is that of a Minister of State. As regards warrant of precedence, the Speaker comes next to the Cabinet Ministers. The Speaker draws a salary of Rs. 1250/- per month. Besides, he is entitled to free furnished accommodation, free medical facilities as admissible to the Class I Government servants of Nagaland, a car, personal staff and a hospitality fund of Rs. 80,000/-.

The Speaker presides over the Assembly sessions and guides the transactions of the business in the House. Besides, the Speaker has

the power to preserve order in the House and the powers necessary for the purpose of enforcing his decision. The Speaker is the head of the Legislature Secretariat.

The Speaker and the Deputy Speaker, once elected, can be removed from office, only on a specific resolution for which at least 14 days notice is required under Article 179 of the Constitution. When such a notice is received, it is read out to the Assembly by the person presiding, who then requests the members who are in favour of leave being granted to move the resolution to rise in their places, and if not less than 10 members rise accordingly, he allows the resolution to be moved. Once the resolution is allowed to be moved, a day is appointed for taking up such a resolution. On that day, the resolution is taken up after the Question Hour. Subject to the provisions of Article 181 of the Constitution, the Speaker, or the Deputy Speaker or such other person as is referred to in Clause (2) of Article 180, presides when a motion under Rule 141 is taken for consideration.

There was one occasion when the Deputy Speaker was removed by adopting a resolution to that effect. On 28 March, 1972, a resolution for removal of the Deputy Speaker was adopted by the House to effect the removal of the incumbent, Shri K.V. Keditsu.

Names of Speakers and the Deputy Speakers of the Nagaland Assembly since its inception are given in Tables 4 and 5 respectively.

Table 4: Statement Showing the Names and Tenure of Speaker, Legislative Assembly

Sl.No.	Name	Tenure	
		From	To
1.	Shri T.N. Angami	2.3.1964	13.3.1966
2.	Shri K. Shikhu	4.10.1966	6.3.1969
3.	Shri K.V. Keditsu	7.3.1974	28.11.1977
4.	Shri Vitsonei K. Angami	29.11.1977	28.11.1982
5.	Shri C. Chongshen	29.11.1982	12.10.1984
6.	Shri E.T. Ezung	25.2.1985	29.10.1986
7.	Shri Chenlom Phom	12.3.1987	6.12.1987
8.	Shri C. Chongshen	7.12.1987	25.1.1989
9.	Shri T.N. Ngullie	14.2.1989	20.6.1990
10.	Shri Thenucho	19.7.1990	till date

Table 5: Statement Showing the Names and Tenure of Deputy Speaker, Legislative Assembly

Sl.No.	Name	Tenure From	To
1.	Shri K. Shikhu Sema	5.3.1964	4.10.1966
2.	Shri Riga Thong	8.10.1966	16.2.1969
3.	Shri K.V. Keditsu	10.3.1969	20.3.1972
4.	Shri T.A. Ngullie	27.3.1972	24.2.1974
5.	Shri Hentok Konyak	28.3.1974	8.3.1975
6.	Shri Rokonicha	17.3.1975	18.3.1975
7.	Shri Rainbow Ezung	18.3.1978	21.6.1980
8.	Shri Horangse	26.6.1980	26.11.1982
9.	Shri E. Thungchamo Ezung	24.3.1983	24.2.1985
10.	Shri Chenlom Phom	12.12.1985	12.3.1987
11.	Shri A. Nyiemyei	19.3.1988	30.7.1988
12.	Shri Chubatemjen	23.6.1989	19.4.1990

PROCESS OF LEGISLATION

The legislative process starts with the introduction of a Bill in the Assembly. The Speaker, on a request being made to him, may order publication of any Bill (together with the Statement of Objects and Reasons and Financial Memorandum accompanying it) in the Gazette, even though no motion has been made for leave to introduce the Bill. In that case, it is not necessary to move for leave to introduce the Bill, and if the Bill is afterwards introduced, it is not necessary to publish it again.

As a rule, the following are the essential features of a Bill:

(i) Short title
(ii) Preamble
(iii) Enacting formula
(iv) Commencement clause
(v) Definition clause
(vi) Rule making clause
(vii) Statement of Objects and Reasons

(viii) Financial Memorandum
(ix) Schedules (whenever necessary).

A Bill can be introduced either by a Minister or a private member. In the case of the former, it is called a 'Government Bill' and in the case of the latter, it is called a 'Private Member's Bill'.

The different stages of the legislative process are:

(i) Introduction
(ii) Motion after introduction
(iii) Consideration and amendments to the Bill
(iv) Adjournment of debates on and withdrawal of the Bill, and
(v) Passing of the Bill.

Any member can propose amendments to the Bill and notice of amendments has to be submitted to the Secretary two days before the consideration of a Bill.

From time to time, certain Bills are referred to the Select Committee which is nominated through a motion adopted by the House on a request being made by the Minister/Member-in-charge.

According to general practice, whenever a Select Committee is appointed, the first sitting of the Committee is convened at the earliest opportunity to chalk out the course of action. If the Committee feels that a certain Bill requires public opinion, it is circulated to important organisations and other public leaders. The Committee discusses the Bill clause by clause in detail along with the amendments received and the opinion furnished from outside. Throughout this deliberation, the Committee is usually assisted by the Department representatives and Secretary, Law Department. The report of the Committee is presented to the House within the time prescribed by the House.

Ratification of Constitution Amendment Bills: If a message from a House of Parliament for ratification of an amendment of the Constitution is received by the Secretary when the House is in session, he reports the message to the House after its receipt and lays the same on the Table.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

Various devices available to members of the Nagaland Legislative Assembly to raise matters of public importance are the Questions, the Motions, the Resolutions and the Petitions, Half-an-hour Discussion, Calling Attention, etc.

The Question Hour: The first hour of every sitting is devoted to questions. There are three types of questions, namely, the Starred, the Unstarred the Short Notice questions. A starred question is one to which the answer is desired to be given orally in the House. An unstarred question is one which is not orally asked in the House but the answer for which is laid on the Table of the House. A Short Notice question is one for which the notice may be given before the prescribed 15 clear days. Short notice questions are asked at the end of the Question Hour.

A member who wishes to ask a question has to give notice in writing to the Secretary at least 15 days before the meeting of the Assembly at which he desires to put the question and to submit together with the notice a copy of the question which he wishes to ask. No member is permitted to ask more than five starred questions for oral answers on any particular day. Any member may put supplementary questions to a starred question after it is called by the Speaker for the purpose of further elucidating any matter of fact regarding which any answer has been given.

Half-an-Hour Discussion: If a member is not satisfied with the reply given by the Minister to a starred or unstarred question and requires further elucidation, he can ask for 'half-an-hour discussion' on the question. A member wishing to raise a matter which has been the subject of a recent question and of sufficient public importance may give notice in writing to the Secretary three days in advance of the day on which the matter is desired to be raised. The notice should specify the point or points that he wishes to raise and should be accompanied by an explanatory note stating the reasons for raising discussion on the matter in question. It should further be supported by the signature of at least another member. If more than two notices have been received and admitted by the Speaker, the Secretary holds a ballot with a view to draw two notices and the notices are put down in the

order in which they were received in point of time. There is no formal motion before the House nor does any voting take place.

Motion: The motions are the basis for ventilation of public grievances and also for discussion of a matter of general public interest. But it must confine itself to one definite issue.

The Speaker, in consultation with the Leader of the House, fixes the date for discussion when received from the member and the House may either reject or adopt the motion.

Resolution: A resolution is a self-contained proposal on any matter of public importance on which the Assembly is capable of expressing its decision. A resolution may be in the following form:

(i) Of a declaration of opinion or a recommendation, or
(ii) Of approval or disapproval by the House of an act or policy of Government, or
(iii) It may convey a message or command, urge or request for action, or
(iv) Call attention to matter or situation for consideration by the Government.

A member who wishes to move a resolution has to give ten days' notice, before the opening day of the session. When the notice is given by an ordinary member, it is called a Private Member's Resolution and when the notice is given by a Minister, it is known as the Government Resolution. The Speaker may allow a Government resolution to be entered on the List of Business with shorter notice. The admitted resolution is taken up by the House on such time as the Speaker in consultation with the Leader of the House may fix.

Calling Attention Notice: A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance (of recent occurrence) and the Minister may make a brief statement at a later hour or date. Not more than one such matter is allowed to be raised at the same sitting. There is no debate on the matter. The member or members giving notice, makes a short statement, and thereafter, the Minister straightaway makes the statement. The proposed matter is raised after the question and before the

List of Business is entered upon and at no other time during the sittings of the House.

Short Duration Discussion: From time to time the members may like to raise discussion in the House on an important matter that may have taken place in their constituencies or anywhere in the State to bring the matter to the pointed attention of the Minister and the House.

Discussion on matters of urgent public importance is a simple discussion without the House being asked to take a decision. Notice for raising such discussion has to be accompanied by an explanatory notice for admittance and supported by the signatures of at least two other members. The Speaker may fix the date for discussion of the matter in consultation with the Leader of the House. The member who has given the notice, makes a short statement and the Minister also gives a short reply. The other members may also take part in the discussion.

Petitions: Rules 106 to 115 lay down the procedure for presentation of petitions. A petition may be presented or submitted to the Assembly with the consent of the Speaker. It should be couched in respectful, decorous and temperate language, either in Naga-Assamese or English. It is to be signed by the petitioner and no letters, affidavits or other documents are to be attached to any petition. It should conclude with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates. Every petition is, after its presentation, referred to the Committee on Petitions.

The Speaker nominates a Committee on Petitions consisting of not less than seven members at the commencement of the Assembly or from time to time, as the case may be. No Minister is nominated a member of the Committee.

The Committee examines every petition referred to it, and if the petition complies with the Rules, the Committee may direct that it be circulated. Where circulation of the petition has not been directed, the Speaker may at any time direct that the petition be circulated. Circulation of the petition may be in stereo or in the summary form as the Committee or the Speaker, as the case may be, may direct. It is also the duty of the Committee to report to the House on specific

complaints made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future.

BUDGET IN LEGISLATURE

The Budget: The Budget papers presented to the Nagaland Legislative Assembly so far have comprised the following:

(i) Vol. I—Memorandum on the Budget.
(ii) Vol. II—Estimates of Revenue and Receipt.
(iii) Vol. III—Estimates of plan expenditure, and
(iv) Vol. IV—Detailed statement of works.

The Budget is presented to the Assembly with a speech by the Finance Minister on a date fixed by the Governor during the Budget Session each year.

The general discussion on the Budget takes place for such period as the Speaker, in consultation with the Leader of the House, may determine. Members are then at liberty to discuss the Budget as a whole or any question or principle involved in it. The Finance Minister has a general right of reply at the end of the discussion. Other Ministers may also take part in the discussion to answer any criticism that may have been made of the departments under their charge. No motion is moved at this stage, nor is the Budget submitted to the vote of the Assembly. The Speaker is empowered to prescribe a time limit for the speeches. Generally two to three days are allotted for general discussion.

Demands for Grants: A separate demand is ordinarily made in respect of the grant proposed for each Department of the Government provided that the Minister-in-charge of the Finance Department may, in his discretion, include in one Demand for Grant proposed for two or more departments or make a demand in respect of expenditure which cannot readily be classified under any particular Department.

Each Demand contains first, a statement of the total grant proposed and then a statement of the detailed estimates under each grant, divided into items. When a demand or any part of it related to any new scheme or revision of scales of pay or allowances or creation of new appointments is made, all material details of such scheme or revision or appointment have, as far as practicable. to be supplied to all members at least three clear days before the demand is made.

After the general discussion is over, the voting on Demands for Grants takes place. The voting takes place for such number of days as the Speaker, in consultation with the Leader of the House decides. Ordinarily two days are allotted for voting on the Demands for Grants. For voting on Demands the practice is that, each demand is moved by the Minister and the Cut Motion relating to that deemed, if any, is then moved by the member concerned. After discussion, cut motions are put to vote. This process is repeated till all the demands are passed.

Cut Motion: Members get an opportunity for criticising the working of the Departments on any specific matter or policy or any act of commission and omission through the instrument of cut motion. There are three types of cut motions, namely the Policy cut, the Economy cut, and the Token cut. The introduction, consideration and passing of the Appropriation Bill is taken up immediately after all the Demands for grants are voted.

The prevailing practice is that the Annual Departmental Administrative Reports are presented to the House before discussion of the Budget takes place.

LEGISLATIVE COMMITTEES

Rules of Procedure and Conduct of Business in the Assembly provide for the constitution of the following Committees:

1. Assurance Committee (7 members)
2. Business Advisory Committee (7 members)
3. Estimate Committee (9 members)
4. House Committee (7 members)

5. Privileges Committee (7 members)
6. Public Accounts Committee (7 members)
7. Subordinate Legislation Committee (7 members)
8. Library Committee (7 members)
9. Rules Committee (9 members)
10. Petition Committee (7 members)

Standing Committees: The Estimates Committee and the Public Accounts Committee constitute the most potent legislative mechanism for ensuring effective financial accountability of administration and legislative oversight. No Committee on Public Undertakings has so far been constituted in the Nagaland Legislative Assembly. Similarly there is no *ad hoc* Financial Committee.

Estimates Committee: This Committee consists of nine members, headed by a member of the ruling Party as the Chairman. The members of the Committee are elected every year from amongst the members according to the principle of proportional representation by means of the single transferable vote. No Minister is elected a member of the Committee.

The functions of the Committee are:

(a) to report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates, may be effected;
(b) to suggest alternative policies in order to bring about efficiency and economy in administration;
(c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
(d) to suggest the form in which the estimates are to be presented to the Assembly.

The Committee may continue the examination of the estimates from time to time throughout the financial year and report to the House as its examination proceeds. It is not incumbent on the Committee to examine the entire estimates of any one year.

Public Accounts Committee: The Public Accounts Committee consists of seven members elected by the House on a motion moved by the Minister for Parliamentary Affairs. It is headed by a member from the ruling party as Chairman. The term of office of this Committee is usually for a period of one year or until a new Committee is appointed.

This Committee examines the accounts showing the appropriation of sums granted by the Assembly for the expenditure of the Government of Nagaland, the annual finance accounts of the Government of Nagaland and such other accounts laid before the Assembly as the Committee may think fit.

In scrutinising the Appropriation Accounts of the Government of Nagaland and the report of the Comptroller and Auditor-General thereon, it is the duty of the Committee to satisfy itself—

(a) that the moneys shown in the accounts as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged;
(b) that the expenditure conforms to the authority which governs it; and
(c) that every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority.

It is also the duty of the Committee—

(a) to examine the statement of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes, concerns and projects together with the balance sheets and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the statutory rules regulating the financing of a particular corporatior., trading or manufacturing scheme or concern or project and the report of the Comptroller and Auditor-General thereon;

(b) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies, the audit of which may be conducted by the Comptroller and Auditor-General of India either under the directions of the Governor or by a statute of the State Legislature; and

(c) to consider the report of the Comptroller and Auditor-General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stocks.

If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee examines with reference to the facts of each case, the circumstances leading to such an excess and makes such recommendation as it may deem fit.

LEGISLATIVE PRIVILEGES

The powers, privileges and immunities of the members, House and Committees have been extended and fully ensured as provided in Article 105 of the Constitution.

Committee on Privileges: A Committee on Privileges comprising seven members is constituted every year. The Committee examines every question of privilege referred to it and determines with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and makes such recommendations as it deems fit.

SERVICING OF LEGISLATURE

The Secretary: The Nagaland Legislative Assembly Secretariat is headed by the Secretary. The qualifications for the appointment of Secretary or any other post are to be such as the Speaker may, from time to time, by general or special order specify. The position and status of the Secretary to the Assembly Secretariat are at par with the

Secretary to the Government of Nagaland. The age of retirement is 57 years.

In legislative matters, the Secretary has to closely assist and advise the Speaker of the Assembly. As the administrative head of the Assembly Secretariat, he exercises full control over the Secretariat officers and staff and is responsible for the smooth and efficient working of the Secretariat under the overall superintendence of the Speaker. He has full financial powers relating to the Secretariat.

Table 6 gives the names and tenures of successive Secretaries of the Legislative Assembly.

Table 6: Successive Heads of the Legislative Assembly Secretariat

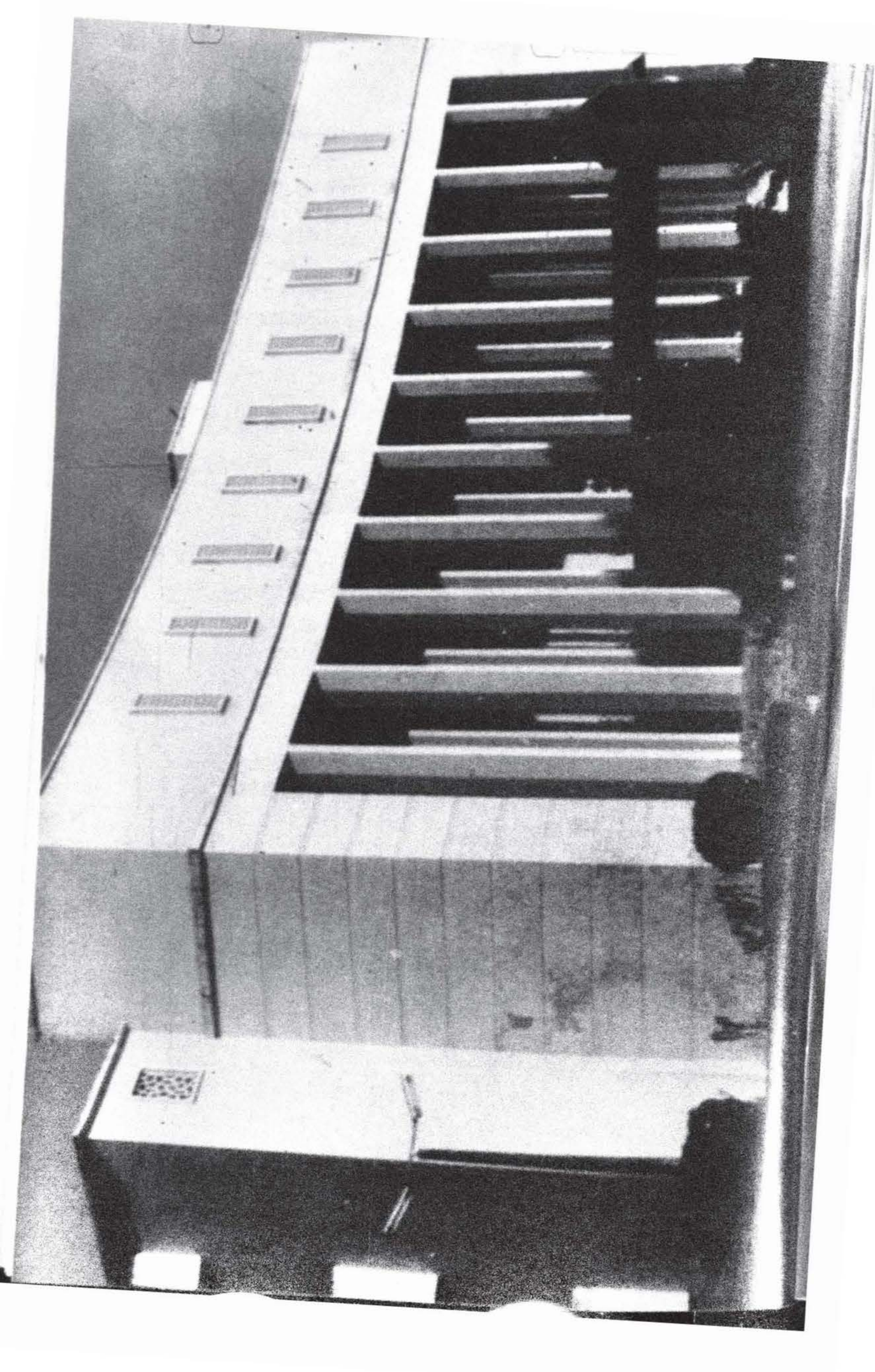
S.No.	Name	Tenure From	To
1.	Shri Kargupta	1.6.1964	9.5.1967
2.	Shri H.G. Paranjpe	6.6.1968	1.4.1971
3.	Shri S. Banerjee	8.3.1973	7.3.1974
4.	Shri A.S. Arthur	8.3.1974	15.11.1964
5.	Shri A.C. Khuvung	16.11.1984	30.9.1988
6.	Shri Zhangulie	1.10.1988	17.9.1989
7.	Shri J.C. Malhotra	18.9.1989	18.10.1991
8.	Shri Zhangulie	19.10.1991	till date

The Secretariat: When the Interim Body came into being as de facto Legislative Assembly in 1961, there was no separate Secretariat. The Secretary to the Government of Nagaland, General Administrative Department was the *ex-officio* Secretary to the Interim Body in addition to his normal duties. With the attainment of full-fledged Statehood, a separate Secretariat was created and it was headed by the Secretary with the status of a Joint Secretary in the Government Department.

The status of the Secretary was upgraded to the status of a Secretary to the Government of Nagaland in 1968. With the upgradation of the status the creation of subordinate officers and staff also followed.

The Nagaland Legislative Assembly Secretariat is a separate

Secretariat and independent in regard to its administration with exception in financial matters and creation of posts. However, much is left to be done in regard to its independence as contemplated vide provision of Article 187 of the Constitution to serve the House and the Committees thereof without any apprehension, fear and in upright manner as adumbrated by the framers of the Constitution.



ORISSA

ORIGIN AND GROWTH

Orissa became a separate Province on 1 April, 1936 by the Government of India (Constitution of Orissa) Order, 1936. It comprised portions of the then Bihar and Orissa Province, Madras Presidency and the Central Provinces. The Province was placed under the personal rule of the Governor till the end of March 1937. An Advisory Council consisting of 20 persons was formed to advise the Governor in the administration of the Province.

Under the Government of India Act, 1935, the strength of the Legislative Assembly was fixed at 60, including four nominated members. Election to the Assembly was held in January 1937 under limited franchise. The members were administered oath on 26-27 July, 1937. This Assembly had 10 Sessions and 187 sittings in all till it was dissolved on 14 September, 1945. During this period the Province was twice placed under the Governor's Rule, once from 6 November, 1939 to 24 November, 1941 and then again from 30 June, 1944 to 14 September, 1945.

The election to the Second Assembly was held in April 1946 under limited franchise. This Assembly met for its first session on 27 May, 1946. On 1 January, 1948 the administration of twenty-four princely States was transferred to the Provincial Government of Orissa under the provision of the Extra-Provincial Jurisdiction Act, 1947 (Act XLVII of 1947). The Provincial Government by virtue of Section 4 of the Act (ibid) read with Notification No. 111-IB dt. 23.12.47 of the Government of India, Ministry of State, issued "Administration of Orissa State Order, 1948" providing therein for constitution of "The Orissa States Assembly", "Executive Council" and "Advisory Committees" in order to associate popular opinion with the administration of the States.

– State Legislature Building, Orissa.

Accordingly, an Executive Council with three Members was constituted (Home Department Notification No. 371C, dt. 4.2.48). The "Orissa States Assembly" was constituted in Home Department Notification No. 401C, dt. 6.2.48 consisting of 36 members which included five *ex-officio* members viz. Prime Minister, Orissa, three Members of the Executive Council and the Chief Administrative and Special Commissioner, Orissa State. Later the administration of the Mayurbhanj State was transferred to the Provincial Government w.e.f. 1.1.49 under provision of Act XLVII of 1947 read with Ministry of State Notification No. 388(P) dt. 31.12.48 (vide Home Department Notification No. 2A, dt. 1.1.1949).

Ultimately out of the 26 States administration of which had been transferred to the Provincial Government of Orissa, 24 States barring Sareikala and Kharsuan, were merged in Orissa Province with effect from 1.8.49 by virtue of "The States' Merger (Governors' Province) Order 1949 issued under Section 290A of the Government of India Act 1935, and the total seats in the Orissa Legislative Assembly were revised from 60 to 91 to represent the people of the merged States or group of States. In pursuance of the 1949 order, 31 members were nominated to the Orissa Legislative Assembly against the additional seats. (Government of India Notification dt. 9.9.49 republished in Home Department Notification No. 3654C dt. 16.9.49). The historic session of this enlarged Assembly was held on 10 October, 1949. The Second Assembly was dissolved on 20 February, 1952. It had 224 sittings in 14 Sessions. These included 108 sittings in five Sessions after the seats were increased in September, 1949.

STRUCTURE OF LEGISLATURE

The Legislature of Orissa is unicameral. According to the Delimitation of Constitution (Orissa Order), 1951 the Assembly had a total strength of 140 Members. It was increased to 147, on the basis of the delimitation of Constituencies, from the Sixth Assembly. The normal tenure of the House is five years.

After Independence under the Constitution of India, General Election to the Orissa Legislative Assembly was held in January, 1952 on

the basis of universal adult franchise. Different political parties took part in the election. The Congress Party emerged as the single largest party and formed the Government. After the first general election held in January, 1952, nine more general elections in 1957, 1961, 1967, 1971, 1974, 1977, 1980, 1985 and 1990 have been held so far.

Party Whips: In addition to their salaries and allowances as members, the Government Chief Whip and the Deputy Chief Whip are paid an allowance of Rs.450/- and Rs.315/- a month respectively. They are entitled to the supply of newspapers, telephone facilities, electric facilities, services of staff, besides a sumptuary allowance @ Rs.1,000/- per month and free furnished residence as admissible to Ministers and Deputy Ministers respectively.

The Leader of the Opposition: In addition to his salary and other allowances as a member, the Leader of the Opposition is paid an allowance of Rs.665/- per month. He is entitled to a free furnished residence. The Leader of the Opposition is also entitled to the services of one Private Secretary, one Stenographer/one Personal Assistant, one Peon and one Guard. He is also provided with residential, electricity and telephone facilities. He is also paid a sumptuary allowance of Rs.1,000/- per month and Rs.1,000/- per month for the maintenance of car.

Qualification of Membership: A person is not qualified to be chosen to fill a seat in the Legislature of the State unless he:

(a) is a citizen of India, and makes and subscribes before some person authorised in that behalf by the Election Commission, an oath or affirmation according to the form set out in the Third Schedule,
(b) is not less than twenty-five years of age; and
(c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

Oath / Affirmation: A member, who has not already made and subscribed an oath or affirmation in pursuance of Article 188 of the Constitution, can do so at the commencement of a sitting of the house on any day after giving previous notice in writing to the Secretary.

Salary and Other Facilities: A member is entitled to receive a salary of Rs.700/- per month and Rs.75/- per day for attending the meetings of the Assembly and Committees thereof. A member is also paid a consolidated allowance of Rs.900/- and conveyance allowance of Rs.350/- per month. Members going outside the State to attend conferences, seminars and meetings and on study tours are paid for journey by Rail, Air and Road, the mileage being the same as admissible to first grade officers of the Government. The D.A. allowed is Rs.80/- per day. Where no Government accommodation is available outside the State, the member is entitled to the reimbursement of the charge of a single room accommodation in a three star hotel besides the D.A. at the rate of Rs.80/- per day. A member is also entitled to receive Rs. 1,000/- per month to defray the cost of travelling not connected with the business of the Assembly or Committees thereof. Besides, a Member is also entitled to the following facilities:

(a) *Housing Facilities:* Members are allotted individual quarters on payment of rent of Rs.20/- per month inclusive of all charges, except the electricity charges. They are entitled to free accommodation in the Inspection Bungalows, Dak Bungalows, Circuit Houses or Rest Houses maintained by the State Government or a local Authority within the State for not more than three consecutive days at a time.

(b) *Medical Facilities:* Members are entitled to free medical treatment at their residence in hospitals with accommodation therein free of charge. On the recommendation of the Director, Medical Education & Training, Members are allowed treatment outside the State and actual expenses for travelling to and fro for self, family members and attendant are paid.

(c) *Telephone Facilities:* The installation charge and the annual rental charge of the telephone at the residence of a member at Bhubaneswar are reimbursed. The security deposit for installation of a telephone for a member is also borne by the State Government. A member is also entitled to reimbursement of charges to the extent of 1,800 calls per quarter.

(d) *Stationery Facilities:* Letter pads and envelopes are supplied to the members free of cost.

(e) *Pension:* A person who has held office for a period of five years as member is entitled to a monthly pension of Rs.500/- and an additional monthly pension of Rs.40/- for every year of membership in excess of five years. If the period falls short by less than 180 days, it shall be regarded as full period of five years or one year as the case may be. Family pension is allowed to the spouses in case of death of a person drawing pension. Family pension is also admissible in the event of death of a sitting member.

Resignation: A member who desires to resign his seat in the Assembly can intimate, in writing under his hand addressed to the Speaker, his intention to resign his seat in the form prescribed and need not give any reason for his resignation. As soon as may be, the Speaker shall, on receipt of an intimation in writing from a member under his hand resigning his seat inthe Assembly, after satisfying himself that the resignation is voluntary and genuine, accept this resignation and inform the House that such and such a member has resigned his seat in the Assembly. When the Assembly is not in session, the Speaker shall inform the House immediately after the Assembly reassembles, that such and such member has resigned his seat in the Assembly during the inter-session period. The Secretary shall, as soon as may be, after the Speaker has received such intimation from a member resigning his seat in the Assembly, cause the information to be published in the Gazette and forward a copy of the notification to the Governor and the Election Commission.

Absence from House: A member wishing to obtain permission of the Assembly for remaining absent from sittings thereof under clause (4) of Article 190 of the Constitution can make an application in writing to the Speaker, stating the period for which he may be permitted to be absent from the sittings of the House. After the receipt of an application, the Speaker, as soon as may be, reads out the application to the Assembly and asks: "Is it the pleasure of the Assembly that permission be granted to such and such member for remaining absent from all meetings of the Assembly for such and such period?" If no one dissents, the Speaker says: "Permission to remain absent is granted." But if any dissentient voice is heard, the Speaker puts the question thereupon

and declares the decision of the Assembly. The Secretary as soon as may be, after a decision has been signified by the Assembly, communicates it to the member.

Sessions and Sittings: The Governor from time to time summons the Legislative Assembly of the State to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session. The Governor may, from time to time, prorogue and dissolve the House.

Issue of Summons: The Secretary issues a summons to each member specifying the time and place for a Session of the Assembly. When a Session is called at short notice or emergently, summons may not be issued to each Member separately but an announcement of the date and place of the Session is published in the Gazette and Members informed telegraphically.

Sittings of the Assembly: A sitting of the Assembly is duly constituted when it is presided over by the Speaker or any other member competent to preside over a sitting of the Assembly under the Constitution or the Rules of the Assembly. The Assembly shall sit on such days as the Speaker, having regard to the state of business of the Assembly, may from time to time direct.

Table I shows the number of Sessions held by successive Assemblies:

Table I: Number of Sessions held by each successive house

Name of the House	No. of Sessions held	No. of Sittings held
First Assembly	9	356
Second Assembly	7	254
Third Assembly	11	335
Fourth Assembly	10	197
Fifth Assembly	5	97
Sixth Assembly	9	150
Seventh Assembly	7	121
Eighth Assembly	10	176
Ninth Assembly	11	188
Tenth Assembly	7	119
	Up to April 92	

BUSINESS OF THE HOUSE

Business Advisory Committee: The Speaker nominates the Business Advisory Committee which consists of eight members including the Speaker, who is the Chairman of the Committee. The Committee holds office until a new Committee is nominated. The quorum of the Committee is three. It shall be the function of the Committee to fix the time that should be allocated for the discussion of the stage or stages of such Bills or other business as are referred to the Committee by the Speaker on a motion made and adopted by the House. The time-table in regard to the Bill or group of Bills or other business as fixed by the Committee shall be final and binding on the House and the Speaker shall announce the same in the House.

List of Business: A list of Business for the day is prepared by the Secretary, and a copy thereof is made available for the use of every member. The first hour of every sitting is available for the answering and asking of questions. In respect of Government business this list is prepared keeping in view the order as the Speaker, after consultation with the leader of the House, may determine. No business not included in the List of Business for the day is transacted at any meeting without the leave of the Speaker. No business requiring notice is to be set down for a day earlier than the day after that on which the period of the notice necessary for that class of business expires. Not more than five resolutions (in addition to any resolution which is outstanding under Rule 28) can be set down in the list of Business for any day allotted for the disposal of private members' resolutions. In case of all the resolutions put down in the list of business being disposed of before the Assembly rises for the day, other resolutions in the final list of ballot are taken up *seriatim*.

Private Members' Business: The Speaker, after considering the state of business of the Assembly, may allot as many days as may be possible for private members' business and may allot different days for the disposal of different classes of such business, and, on days so allotted for any particular class of business, business of that class shall have precedence.

On a day allotted for the disposal of Private Members' Bills, such Bills shall have relative precedence in the following order:

(a) Bills in respect of which the motion is that leave be granted to introduce the Bill;
(b) Bills returned by the Governor with a message under Article 200 of the Constitution;
(c) Bills which have reached a stage at which the next motion is a motion that the Bill be passed;
(d) Bills in respect of which a motion has been carried that the Bill be taken into consideration;
(e) Bills which have reached a stage at which the next motion is a motion that the Bill be taken into consideration;
(f) Bills in regard to which the next stage is the presentation of the report of the Select Committee;
(g) Bills which have reached a stage at which the next motion is a motion that the Bill be referred to a Select Committee;
(h) Bills which have been circulated for the purpose of eliciting opinion thereon;
(i) Bills introduced and in respect of which no further motion has been made or carried.

Voting Procedure: On the conclusion of a debate, the Speaker puts the question and invites those who are in favour of the motion to say 'AYE' or those against the motion to say 'NO'. The Speaker then says: "I think the AYEs or the NOes (as the case may be) have it." If the opinion of Speaker as to the decision of a question is not challenged, he says twice: "The AYEs (or the NOes, as the case may be) have it" and the question before the Assembly is determined accordingly. If the opinion of the Speaker as to the decision of a question is challenged, he may, if he thinks fit, ask the members who are for 'AYE' and those for 'NO' respectively, to rise in their places and on a count being taken, he may declare the decision of the Assembly. In such a case the names of the voters are not recorded. If the opinion of the Speaker as to the decision of a question is challenged and he does not adopt the course provided for in the rules, he shall order for a 'Division' to be held.

After the lapse of two minutes he puts the question a second time and declares whether, in his opinion the 'AYEs' or the 'NOes' have it. If the opinion so declared is again challenged, he directs the 'AYEs' to

go into the Right Lobby and the 'NOes' to go into the Left Lobby. In the 'AYEs' or 'NOes' Lobby as the case may be, each member calls out his Division Number and the Division Clerk, while marking off his number on the Division List, simultaneously calls out the name of the member.

After voting in the Lobbies is completed, the Division Clerks hands over the Division Lists to the Secretary, who counts the votes and presents the totals of 'AYEs' and 'NOes' to the Speaker. The result of a Division is announced by the Speaker and cannot be challenged. A member who is unable to go to the Division Lobby owing to sickness or infirmity may, with the permission of the Speaker, have his vote recorded. If a member finds that he has voted by mistake in the wrong Lobby, he may be allowed to correct his mistake provided he brings it to the notice of the Speaker before the result of the Division is announced. When the Division Clerk has brought the Division List to the Secretary's table, a member who has not up to that time recorded his vote but who then wishes to have his vote recorded may do so with the permission of the Speaker.

Proceedings: The Secretary shall cause to be prepared a full report of the proceedings of the Assembly at each of its meetings and publish it as soon as practicable. The printed report of the proceedings is submitted to the Speaker for his confirmation and signature and when signed, constitutes the authentic records of the proceedings of the Assembly. If the Speaker is of the opinion that a Word or words has or have been used in debate which is or are defamatory or indecent or unparliamentary or undignified, he may, after bringing it to the notice of the Assembly, order that such word or words be expunged from the proceedings of the Assembly. The Speaker authorises printing, publication, distribution or sale of any paper, document or report in connection with the business of the Assembly or any paper, document or report laid on the table of the Assembly or presented to the Assembly or a Committee thereof.

PRESIDING OFFICERS

After the members present have been sworn in at the beginning of the

first session of the Assembly after a General Election, the Assembly proceeds to elect the Speaker in the following manner.

When, owing to General Election or the existence of vacancy in the office of the Speaker of the Assembly, the election of a Speaker is necessary, the Governor fixes a date for the holding of the election and the Secretary sends to every member notice of the date so fixed.

At any time before noon on the day preceding the date so fixed, any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating the name of the member nominated; and that the proposer has ascertained that such member is willing to serve as Speaker, if elected.

On the date fixed for election, the Deputy Speaker, or, if the office of the Deputy Speaker is vacant, such member of the Assembly as may be appointed by the Governor to perform the duties of the office of the Speaker, reads out to the Assembly the names of the members who have been duly nominated, together with those of their proposers and seconders, and if only one member has been so nominated, shall declare that member to be elected. If more than one member has been so nominated, the Assembly proceeds to elect the Speaker by ballot.

Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes is excluded from the election and balloting proceeds,the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be.

If at any ballot, any of the three or more candidates obtain an equal number of votes and one of them has to be excluded from the election, the determination as between the candidates whose votes are equal to that of the candidate who is to be excluded is done by drawing of lots.

After the Speaker has been elected in the manner provided in Rule

6 or on the occurrence of a vacancy in the office of the Deputy Speaker, the Assembly elects one of the members to be the Deputy Speaker of the Assembly.

Any member who wishes to propose a member for election as Deputy Speaker may give a notice in writing addressed to the Speaker containing (i) the names of the member whom he proposes; (ii) his own signature and that of one other member as seconder; and (iii) a certificate that he has ascertained that the member proposed is willing to serve, if elected.

The Speaker reads out to the Assembly the names of the candidates, together with those of their proposers and seconders, and if only one person has been proposed for election, declares that person duly elected. If more than one person has been proposed, the Assembly then proceeds to elect the Deputy Speaker by ballot which is held in the manner provided for the election of the Speaker.

The Speaker presides over the Assembly sessions and guides the transaction of the business in the House. Besides, the Speaker has the power to preserve order in the House and the power necessary for the purpose of enforcing his decision. The Speaker is the Head and guardian of the Legislature Secretariat.

The Speaker and Deputy Speaker, once elected, can be removed from office. Any resolution to remove the Speaker or Deputy Speaker from office of which a notice, as required under Article 179 of the Constitution, has been given, shall be read to the Assembly by the person presiding over the Assembly who shall then request the members who are in favour of leave being granted to move the resolution, to rise in their places and if not less than 28 members rise accordingly, the person presiding over the Assembly shall allow the resolution to be moved. If less than 28 members rise, the person presiding over the Assembly shall inform the member who may have given the notice that he has not the leave of the Assembly to move it.

The names of Speakers and Deputy Speakers who presided over the successive Legislative Assemblies since 1952, are given in Tables 2 and 3 below:

Table 2: Statement Showing the Names of Speakers

Assembly	Name
First	Shri Nanda Kishore Das
Second	Pandit Nilakanth Dash
Third	Shri Lingaraj Panigrahi
Fourth	Shri Nanda Kishore Mishra
Fifth	Shri Nanda Kishore Mishra
Sixth	Shri Braja Mohan Mohanty
Seventh	Shri Satya Priya Mohanty
Eighth	Shri Som Nath Rath (resigned on 11.2.1984)
	Shri Prasana Kumar Das (elected on 22.2.1984)
Ninth	Shri Prasanna Kumar Dash
Tenth	Shri Yudhishthir Dash.

Table 3: Statement Showing the Names of Deputy Speakers

Assembly	Name
First	Shri Maulvi Mohammed Haneef
Second	Shri Jadumani Mangaraj
Third	Shri Loknath Mishra
Fourth	Shri Harihara Bahinipati
Fifth	Shri Narayan Birabar Samanta
Sixth	Shri Chintamani Jena
Seventh	Shri Surendra Nath Naik
Eighth	Shri Himansu Shekhar Padhi
Ninth	Shri Chintamani Dyan Samantana
Tenth	Shri Prahallad Dora

PROCESS OF LEGISLATION

Rules of Procedure and Conduct of Business in the Orissa Legislative Assembly prescribe the following stages of legislation:

(a) Introduction of Bills
(b) Motion after Introduction of Bills

(c) Selection Committees on Bills
(d) Procedure after presentation of report of a Select Committee
(e) Amendments to Clauses, etc., and consideration of Bills
(f) Passing of Bills
(g) Authentication and reconsideration of Bills.

The Speaker may order the publication of any Bill (together with the Statement of Objects and Reasons accompanying) in the Gazette, although no motion has been made for leave to introduce the Bills. In that case, it is not necessary to move for leave to introduce the Bill, and, if the Bills afterwards introduced, it is not necessary to publish it again. The Speaker shall cause a copy of the notice and of the Bill together with the Statement of Objects and Reasons to be forwarded to the Secretary, to the Governor and the Law Department. Any member other than a Minister desiring to move for leave to introduce a Bill should give notice of his intention, and should, together with the notice, submit a copy of the Bill and a full Statement of Objects and Reasons. The Speaker shall cause a copy of notice and of the Bill and the Statement of Objects and Reasons to be forwarded to the Governor's Secretary, the Chief Minister, the Department to which the matter belongs and to the Law Department. The period of notice of a motion for leave to introduce a Bill by a private member is 30 days.

When a Bill is introduced or on some subsequent occasion, the member-in-charge makes one of the following motions in regard to his Bill, namely:

(i) that it be taken into consideration; or
(ii) that it be referred to a Select Committee composed of such members of the Assembly and with instruction, if any, to report before such date as may be specified in the motion; or
(iii) that it be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

No such motion shall be made until after copies of the Bill have been made available for the use of members, and any member may object to any such motion being made unless copies of the Bill have been so

made available for seven days, before the day on which the motion is made, and such objection shall prevail, unless the Speaker allows the motion to be made. On the day on which any motion is made or on any subsequent date to which the discussion thereof is postponed, the principle of the Bill and its provisions may be discussed generally, but the details of the Bill are not discussed further than is necessary to explain its principles. At this stage no amendments to the Bill may be moved, but if the member-in-charge moves that the Bill be taken into consideration any member may move as an amendment that the Bill be referred to a Select Committee, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion. If the member-in-charge moves that the Bill be referred to a Select Committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried, and the Bill is circulated in accordance with that direction and opinions are received thereon, the member-in-charge, if he wishes to proceed with the Bill thereafter, shall move that the Bill be referred to a Select Committee, unless the Speaker allows a motion to be made that the Bill be taken into consideration. No motion that a Bill be taken into consideration or be passed is made by any member other than the member-in-charge of the Bill and no motion that a bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon is made by any member other than the member-in-charge except by way of amendment to a motion made by the member-in-charge.

After a Bill has been referred to a Select Committee, the Select Committee examines the Bill clause by clause and if they decide to recommend any alteration in the Bill, the Bill is revised so as to bring it into conformity with such recommendations. The Committee makes a report on the Bill. The report of a Select Committee may be either preliminary or final. A preliminary report is confined to a statement of the reasons why the Committee have been unable to present a final report; and a request for further time or further instructions or both.

The final report is confined to—

(a) a statement whether the publication directed by the rule or by the Assembly has taken place, or whether publication in more than one language is ordered and the date on which the publication in each such language has taken place;
(b) a statement of the alterations (if any) made by the Committee and of their reasons for such alteration; and
(c) a recommendation that the Bill be passed; or
(d) a recommendation that the Bill be republished with the report; or
(e) a recommendation that the Bill be not further proceeded with.

After the presentation of the final report of a Select Committee on a Bill, the member-in-charge may move that the Bill as reported by the Select Committee be taken into consideration. Any member of the Assembly may object to its being so taken into consideration if a copy of the report has not been made available for the use of members for four days, and such objection shall prevail, unless the Speaker allows that report to be taken into consideration. The debate on a motion that the Bill as reported by the Select Committee be taken into consideration is confined to consideration of the report of the Select Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill.

The Speaker may, when a motion that a Bill be taken into consideration has been carried, submit the Bill, or any part of the Bill, to the Assembly clause by clause. The Speaker may call each clause separately, and when the amendments relating to it have been dealt with, put the question, "That this clause (or, as the case may be, that this clause as amended) do stand part of the Bill." The consideration of the schedule or schedules if any, follows the consideration of clauses.

When a motion that the Bill be taken into consideration has been carried and no amendment to the Bill is made, the member-in- charge may at once move that the Bill be passed. The discussion on a motion that the bill be passed is confined to the submission of arguments either in support of the Bill or for the rejection of the Bill without going into its details.

After a Bill has been passed by the Assembly, a copy thereof is signed by the Speaker and presented to the Governor. In the case of a Money Bill which has been passed by the Assembly, the Speaker endorses a certificate as required under Article 199(4) of the Constitution before it is presented to the Governor.

When a Bill which has been passed by the Assembly is returned by the Governor for reconsideration, the point or points referred for consideration are put before the Assembly by the Speaker, and are discussed and voted upon in the same manner as amendments to a Bill, or in such other way as the Speaker may consider most convenient for their consideration by the Assembly.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

Various devices are adopted to raise matters of public importance in the House. Some of the important devices are:

Question Hour: Normally the first hour of every sitting is available for asking and answering of questions unless the Speaker, for special reasons otherwise directs. Unless the Speaker otherwise directs, not less than fourteen clear days notice of a question is required to be given. The questions asked in the House are classified into three categories viz. (i) Starred questions, (ii) Unstarred questions, and (iii) Short Notice questions. A member who desires an oral answer to his question can distinguish it by an asterisk and such a question is called a "Starred question". If he does not distinguish it by an asterisk, the question is printed in the list of questions for written answer which is called an Unstarred question. A Short Notice question is a starred question relating to a matter of public importance. It may be asked with shorter notice than fourteen clear days and if the Speaker is of opinion that the question is of an urgent character, he may direct that an enquiry may be made from the Minister concerned, if he is in a position to reply and if so, on what date. If the Minister concerned agrees to reply, such question is answered on a day to be indicated by him and is called immediately after the questions, which have appeared on the list of questions for oral answer, have been disposed of.

If the Minister is unable to answer the question at a short notice and the Speaker is of the opinion that the question is of sufficient public importance to be orally answered in the House, he may direct that the question be placed as the first question on the list of questions for the day on which it would be due for answer. Not more than one such question is accorded first priority on the list of questions for any one day.

Half-an-hour Discussion: The Speaker allots half-an-hour from 5 p.m. to 5.30 p.m. on two days in a week, namely, Wednesday and Friday, for raising discussion on a matter of sufficient public importance which has been the subject of a recent question, oral or written, and the answer to which needs elucidation on a matter of fact. A member wishing to raise such a matter can give notice in writing to the Secretary three days in advance of the day on which the matter is desired to be raised and should briefly specify the point or points that he wishes to raise. The notice should be accompanied by an explanatory note stating the reasons for raising the discussion on the matter in question. The notice is also to be supported by the signatures of at least two other members. The Speaker may, with the consent of the Minister concerned, waive the requirements concerning the period of notice. The Speaker decides whether the matter is of sufficient public importance to be put down for discussion and may not admit a notice which may, in his opinion, seek to revive the policy of Government. If more than two notices have been received and admitted by the Speaker, the Secretary holds a ballot with a view to drawing two notices and the notices are put down in the order in which they were received in point of time. If any matter put down for discussion on a particular day is not disposed of on that day it is not to be set down for any other day, unless the member so desires, in which case it is included in the ballot for the next available day.

Short duration Discussion: Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. The notice is accompanied by an explanatory note stating reasons for raising discussion on the matter in question. It is supported by the signatures of at least two other members. If the Speaker is satisfied after calling for such information from the member who has

given notice, and from the Minister as he may consider necessary, that the matter is urgent and of sufficient importance to be raised in the House at an early date, he may admit the notice and fix the date and time on which such matter may be taken up for discussion, not exceeding one hour as he may consider appropriate in the circumstances provided that if an early opportunity is otherwise available for the discussion of the matter, the Speaker may refuse to admit the notice. There is no formal motion before the House nor voting. The Member who has given notice may make a short statement and the Minister shall reply briefly. Any other member may take part in the discussion.

Motion of No-Confidence: A motion expressing want of confidence in the Council of Ministers may be made subject to the following restrictions, namely:

(a) leave to make the motion must be asked for after questions and before the list of Business for the day is entered upon;
(b) The member asking for leave must, before the commencement of the sitting of the day, leave with the Secretary a written notice of the motion which he proposes to move.

If the Speaker is of opinion that the motion is in order, he reads the motion to the Assembly and requests those members who are in favour of leave being granted to rise in their places, and if not less than fourteen members rise accordingly, the Speaker intimates that leave is granted and that the motion will be taken on such day, not being more than ten days from the date on which the leave is asked, as he may appoint. If less than fourteen members rise, the Speaker informs the member that he has not the leave of the Assembly. The Speaker may, if he thinks fit, prescribe a time-limit for speeches when the no-confidence motion is discussed.

Adjournment Motion: A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker. The notices of an adjournment motion together with a written statement of the matter proposed to be discussed are given to the Secretary not later than one hour before the commencement of the

sitting on the day on which the motion is proposed to be made. The Speaker, if he gives consent and holds that the matter proposed to be discussed is in order, after the questions and before the List of Business is entered upon, calls the member concerned who rises in his place and asks for leave to move the adjournment of the Assembly. If objection is taken to leave being granted, the Speaker requests those members who are in favour of leave being granted to rise in their places, and if not less than fourteen members rise accordingly, the Speaker intimates that leave is granted. If less than fourteen members rise, the Speaker informs the member that he has not the leave of the Assembly. The motion is taken up at 4 p.m. or if the Speaker so directs, at an earlier hour at which the business of the day may terminate. On a motion to adjourn for the purpose of discussing a definite matter of urgent public importance, the only question that may be put shall be "that the Assembly do now adjourn". The debate if not earlier concluded, automatically terminates at the end of two hours and thereafter no question is put. No speech during the debate except with the permission of the Speaker should exceed fifteen minutes in duration.

No-Day-Yet Named Motions: If the Speaker admits notice of a motion given in writing addressed to the Secretary and no date is fixed for the discussion of such motion, it shall immediately be circulated as 'no-day-yet named motion' for the information of all concerned. The Speaker may, after considering the state of business in the House and in consultation with the Leader of the House, allot time for the discussion of any such motion. The Speaker shall, at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith put every question necessary to determine the decision of the House on the original question.

Calling Attention Notices: A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister will make a statement at a later hour or date. There shall be no debate on such statement at the time it is made. Not more than one such matter is raised at the same sitting. In the event of more than one matter being presented for the same day, priority is given to the matter which is, in the opinion of the Speaker, more urgent and important. The proposed matter shall be raised after the questions and before the List of Business is entered

upon and at no other time during the sitting of the House.

Governor's Address: The Speaker, in consultation with the Leader of the House, allots time for the discussion of the matter referred to in the Governor's Address to the Assembly under Article 176(1) of the Constitution. On such day or days or part of any day, the Assembly is at liberty to discuss the matters referred to in such Address on a Motion of Thanks moved by a member and seconded by another member. Amendment may be moved to such motion by way of adding additional words at the end but not otherwise on such notice being given as the Speaker may determine. The Chief Minister or any other Minister, whether he has previously taken part in the discussion or not, shall on behalf of the Government, have a general right of explaining the position of the Government at the end of the discussion. The Speaker may allot time for the discussion of the matter referred to in the Governor's Address. Where a message from the Governor for the Assembly under Article 175(2) of the Constitution is received by the Speaker, he reads the message to the Assembly and gives necessary directions in regard to the procedure that is to follow for the consideration of matters referred to in the message. In giving these directions, the Speaker is empowered to suspend or vary the rules to such extent as it may be necessary to do so.

Petitions: A petition is addressed to the Legislative Assembly and concluded with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates. It is couched in respectful, decorous and temperate language. It bears the full name and address of every signatory and is authenticated by his signature and, if illiterate, by his thumb impression. Letters, affidavits or other documents are not attached to any petition. A member intending to present a petition should countersign the same. A member is required to give advance intimation to the Secretary of his intention to present a petition. Every petition, after presentation by the Secretary, as the case may be, stands referred to the Committee on Petitions. The Committee on Petitions is nominated by the Speaker at the commencement of the Assembly or from time to time, as the case may be. It consists of five members. The Committee examines every petition referred to it, and if the petition complies with the rules, the Committee may direct that it be circulated. Where circulation of the petition

has not been directed, the Speaker may, at any time, direct that the petition be circulated. The circulation of the petition may be *in extenso* or in summary form as the Committee or the Speaker, as the case may be, may direct. It is also the duty of the Committee to report to the House on specific complaints made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future.

BUDGET IN LEGISLATURE

The Budget: Budget is the annual financial statement or statement of the estimated receipt, and expenditure of the State in respect of every financial year.

The Budget is presented to the Assembly, on such day in the preceding financial year as the Governor may appoint. There is no discussion of the Budget on the day it is presented to the Assembly.

The Budget is presented in such form as the Finance Minister may consider best for its consideration by the Assembly.

• Under Rule 174-K, the demands for grants are referred for scrutiny by the Subject Committee constituted under Rules 174-H and 174-I. The Subject Committee after scrutiny of demands are required to report to the House in respect of such scrutiny.

The Budget is thereafter dealt with by the House in two stages—

(i) a general discussion; and
(ii) the voting of demands for grants.

On a day or days to be appointed by the Governor, subsequent to the day on which the Budget is presented and for such time as the Speaker may allot for this purpose, the Assembly is at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion is moved at this stage nor is the Budget submitted to

• Inserted during March 1992.

the vote of the Assembly. The Finance Minister has a general right of reply at the end of the discussion. The Speaker may, if he thinks fit, prescribe a time- limit for speeches.

The voting of demand is taken up in such order and on such dates as the Speaker may direct. It takes place on such days not less than fourteen days as the Speaker may allot for the purpose. No motion for appropriation can be made except on the recommendation of the Governor, communicated to the Assembly. Motions may be moved at this stage to reduce the amount specified in a demand for a grant, but not to increase or alter the destination of such grant.

A member who desires to bring forward a motion for the reduction of the amount specified in any demand for a grant can give notice thereof in writing to the Secretary not later than on the fifth day (before the day fixed for the voting of such demand) for grants and submits a copy of the motion with the notice. The Speaker may, with the consent of the Minister-in-Charge of the Department concerned, allow a motion to be moved of which shorter notice has been given. Of the days allotted, not more than two days are taken up by the Assembly for discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the Speaker may forthwith put every demand under consideration.On the last day of the days so allotted, at 5 p.m., the Speaker forthwith puts every question necessary to dispose of all the outstanding matters in connection with the demands for grants and the consideration thereof is not to be anticipated by any motion for adjournment or be interrupted in any manner whatsoever nor is any dilatory motion moved in regard thereto.

Vote on Account: A motion for Vote on Account states the total sum required and the various amounts needed for each Department or items of expenditure which compose that sum are stated in a schedule appended to the motion. Amendments may be moved for the reduction of the whole grant or for the reduction or omission of the items whereof the grant is composed. A discussion of general character is allowed on the motion or any amendments moved thereto but the details of the grant are not discussed further than is necessary to develop the general points. In other respects, a motion for Vote on Account is dealt with in the same way as if it were a demand for grant and the

provisions of rules pertaining to general discussion, voting of demand for grants; and on appropriation bills are *mutatis mutandis* applied.

Appropriation Bill: As soon as may be, after the grants have been made by the Assembly, an Appropriation Bill as required under Article 204 of the Constitution is introduced. Subject to the provisions of Article 204(2), the procedure with regard to the Appropriation Bill is governed by rules relating to Bills in general with such modifications as the Speaker may consider necessary. The Speaker may, if he thinks fit, prescribe a time- limit for speeches at all or any of the stages involved in the passage of the Bill. The debate on an Appropriation Bill is restricted to matters of public importance or administrative policy implied in the grants covered by the Bill which have not already been raised while the relevant demands for grants were under consideration. The Speaker has powers to suspend the operation of any rule or rules for the purpose of timely completion of the financial business.

Supplementary / Excess Grant: At any time during a financial year an estimate may be presented to the Assembly for a supplementary or additional grant when—

(a) The amount authorised by the Appropriation Act in respect of a particular service or any financial year is found to be insufficient for the purpose of that year; or

(b) the need arises during the current financial year for expenditure upon some new services not contemplated in the Budget of the year. The debate on the supplementary grants shall be confined to the items constituting the same and no discussion may be raised on the original grants nor policy underlying them save insofar as it may be necessary to explain or illustrate the particular items under discussion.

If in respect of any financial year money has been spent on any service, for which the vote of the Assembly is necessary, in excess of the amount granted for that service and for that year, a demand for the excess is dealt with in the same way by the Assembly as if it were a demand for a supplementary grant.

LEGISLATIVE COMMITTEES

As per Rules, the following Committees are elected/nominated by the Speaker:

1. Business Advisory Committee;
2. Committee on Public Accounts;
3. Committee on Estimates;
4. Committee on Public Undertakings;
5. Committee of Privileges;
6. Committee on Subordinate Legislation;
7. Committee on Government Assurances;
8. Committee on Petitions;
9. Rules Committee;
10. Select Committee on Bills; and
11. Subject Committee.

The members of the Committees are elected by the Assembly on a motion made or nominated by the Speaker, as the case may be. No member is appointed to any Committee if he is not willing to serve on the Committee. The Chairman of a Committee is appointed by the Speaker from amongst the members of the Committee. If the Deputy Speaker is a member of a Committee, he is appointed Chairman thereof. The quorum to constitute a meeting of a Committee, unless otherwise specified in the rules, is as near as may be one-third of the total number of members.

The sittings of a Committee are held in private and on such days and at such hour as the Chairman of the Committee may fix. The Assembly may at any time, on a motion being made, direct that the time for the presentation of the report by a Committee be extended to a date specified in the motion. The report may be either preliminary or final. The report of the Committee is signed by the Chairman on behalf of the Committee. The Committee may, if it thinks fit, make available to Government any completed part of its report before presentation to the Assembly. Such report is treated as confidential until presented to the Assembly. The report of the Committee is

presented to the Assembly by the Chairman or, in his absence, by any member of the Committee. In presenting the report, the Chairman, or in his absence, the member presenting the report shall, if he makes any remarks, confine himself to a brief statement of fact, but no debate is held on that statement.

STANDING FINANCIAL COMMITTEES

The three Committees, namely, the Committee on Public Accounts, the Committee on Estimates, and the Committee on Public Undertakings are the standing financial Committees. Each Committee consists of nine members, who are elected by the Assembly every year from amongst its members according to the principle of proportional representation by means of single transferable vote. The term of office of members of each Committee is one year. In order to constitute a meeting of a Committee, the quorum is to be three.

Committee on Public Accounts: The Committee examines the accounts showing the appropriation of sums granted by the Assembly for expenditure of the State Government, the annual finance accounts of the State Government and such other accounts laid before the Assembly. In scrutinising the appropriation account of the Government and the report of the Comptroller and Auditor-General thereon, it is the duty of the Committee to satisfy itself—

(a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;
(b) that the expenditure conforms to the authority which governs it; and
(c) that every reappropriation has been made in accordance with provisions made in this behalf under rules framed by competent authority.

It is also the duty of the Committee—

(a) to examine the statement of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes and projects together with the balance sheets and statements of profit and loss accounts which the Governor may have required to propose or are prepared under the provisions of the Statutory Rules regulating the financing of the particular corporation, trading concern or project and the report of the Comptroller and Auditor General (C & AG);
(b) to consider the report of the C & AG in cases where the Governor may have required him to conduct the audit of any receipts or to examine the account of stores and stock.

If any money has been spent on any service during a financial year in excess of the amount granted by the Assembly for that purpose, the Committee examines with reference to the facts of each case the circumstances leading to such an excess and makes such recommendations as it may deem fit.

Committee on Estimates: The functions of the Committee are—

(a) to report what economies, improvements in organisation, efficiency or administrative reform consistent with the policy underlying the estimate, may be effected;
(b) to suggest alternative policies in order to bring about efficiency and economy in administration;
c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and
(d) to suggest the form in which the estimates shall be presented to the Assembly.

The Committee may continue its examination of the estimates from time to time throughout the financial year and report to the Assembly as its examination proceeds. It is not incumbent on the Committee to examine the entire estimates of any one year. The demands for grants may be finally voted notwithstanding the fact that the Committee has made the report.

Committee on Public Undertakings: It examines the working of the Public Undertakings of the State. The functions of the Committee are—

(a) to examine the reports and accounts of the Public Undertakings specified in Schedule IV (appended to the Rules);
(b) to examine the reports, if any, of the Comptroller and Auditor-General on the Public Undertakings;
(c) to examine in the context of the autonomy and efficiency of the Public Undertakings whether the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices; and
(d) to exercise such other functions vested in the Committee on Public Accounts and the Committee on Estimates in relation to the Public Undertakings specified in Schedule IV as are not covered by clauses (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time.

LEGISLATIVE PRIVILEGES

A member may, with the consent of the Speaker, raise a question involving a breach of privilege of a member, or of the Assembly or of the Committee thereof. A member wishing to raise a question of privilege is requested to give notice in writing to the Secretary one day before the commencement of the sitting on the day on which the question is proposed to be raised. If the question raised is based on a document, the notice is accompanied by that document. The Speaker may allow a question of privilege to be raised with shorter notice or with no notice. This is restricted to a specific matter of recent occurrence and not more than one question can be raised at the same sitting. The Speaker, if he gives consent and holds that the matter proposed to be discussed is in order, after the questions and before the List of Business is entered upon, calls the member concerned who rises in his place and, while asking for leave to raise the question of privilege makes a short statement relevant thereto. If leave under the Rules is granted, the Assembly may consider the question and come to a

decision or refer it to the Committee of Privileges.

Committee of Privileges: At the commencement of the Assembly or from time to time as the case may be, the Speaker nominates the Committee which consists of five members. The Committee holds office until a new Committee is nominated. It examines every question referred to it and determines with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it, and make such recommendations as it may deem fit. As soon as may be, after a question of privilege has been referred to the Committee, the Committee meets from time to time and makes a report. After the report has been presented, the Chairman or any member of the Committee or any other member may move that the report be taken into consideration, whereupon the Speaker may put the question to the Assembly. Before putting the question to the Assembly, the Speaker may permit a debate on the motion, not exceeding half-an-hour in duration. Such debate is not required to refer to the details of the report further than is necessary to make out a case for the consideration of the report by the Assembly.

SUBJECT COMMITTEES*

Under the Rules, the Speaker may constitute Subject Committees for different Departments in consultation with the Leader of the House.

Each Subject Committee shall deal with the subject referred to it by the Speaker:

Provided that the Speaker may, in consultation with the Leader of the House, modify or vary the allocation of subjects to the Subject Committee from time to time.

Each Subject Committee shall consist of not more than seven members who shall be nominated by the Speaker from time to time.

The Minister-in-charge of the subject shall also be a member and its *ex-officio* Chairman.

No member shall be nominated to more than one Subject

* Introduced during March 1992.

Committee. The term of the Subject Committee shall be one year, from the date of constitution of the Committee or until a new Committee is nominated.

The functions of the Subject Committee shall be:

(i) to scrutinise the demands for grants;
(ii) to discuss generally and examine such of the plan projects/activities of the Department concerned as may be seen fit to the Committee or are specially referred to by the House or the Speaker.

The Subject Committees shall not examine or investigate matters of day to day administration.

Each Subject Committee shall, at the conclusion of the discussion referred to in Rule 123, of the Rules of Procedure scrutinise the demands for grants falling within its purview. Such scrutiny shall ordinarily be confined to variation in the demands from the previous year, more particularly increases, the need for economy and efficiency, new services and relationship of expenditure to needs.

Provided that a Subject Committee may, in examining the demands under its various sub-heads, recommend variations from one sub- head to another and such variations shall not have the effect of increasing the total allocation under the demand. If an increase is sought to be made under one sub-head, a corresponding saving has to be shown under another sub-head within the same demands. A Subject Committee may, however, recommend an enhancement on a new service, such enhancement or new service to be effected either by reappropriation where possible or through a supplementary demand. In making its recommendations, the Subject Committee shall keep in view also the resources constraint.

The Subject Committees shall complete the scrutiny of the demands for grants within a period not exceeding ten days from the date of completion of the discussion referred to in Rule 123 and report to the House the result of such scrutiny.

PUNJAB

ORIGIN AND GROWTH

The Punjab Vidhan Sabha has a chequered history. The evolution is as momentous as India's struggle for freedom. It was under the Indian Councils Act, 1861, for the first time, that efforts were made to establish some representative institution in the form of Executive Council. However, it was only under the Government of India Act, 1919 that the legislative Council was set up in Punjab. Under the provisions of the Act, the Punjab Legislative Council Manual (in six volumes) was prepared, which subsequently became the Standing Orders and Rules of Procedure. The first meeting of the Council was held on 22 January, 1921 in the Punjab Legislative Council Chamber, Lahore.

Thereafter, under the Government of India Act, 1935, the Punjab Legislative Assembly was constituted with a membership of 175. It was summoned for the first time on 1 April, 1937.

With the partition of India in 1947, the East Punjab Legislative Assembly came into existence. It consisted of the 72 members of undivided Punjab Legislative Assembly representing the Constituencies falling in East Punjab (India). Under the plan of merger of small States with the neighbouring larger States, all the States in East Punjab joined together on 15 July, 1948 to form Patiala and East Punjab States Union (P.E.P.S.U.). The ruler of the larger State, i.e., Patiala was appointed as Rajpramukh to function as a Constitutional Head of the integrated State. It was called a Part 'B' State and given a status almost similar to that of the former provinces which became Part 'A' States.

On 31 October, 1956, the PEPSU Legislative Assembly was merged with the Punjab State and the members of the erstwhile PEPSU

* State Legislature Building, Punjab and Haryana.

Legislative Assembly became members of the reorganised Punjab State on 1 November, 1956. On 6 November, 1956 all the members took oath again to serve the new integrated House.

On 1 November, 1966, the Punjab State was reorganised when out of it the Haryana State was carved out and some of the areas were transferred to Himachal Pradesh.

The Punjab State Legislature became bicameral for the first time in April, 1952.

In the first Punjab Legislative Council, the number of members was 40. During 1960, the number of members of the Council rose to 51. With the reorganisation of the Punjab State in 1966, the number of members of the Punjab Legislative Assembly was reduced. Consequently the number of members of the Council was further reduced to 40.

On 1 January, 1970, the Legislative Council was abolished. The Punjab Legislative Council as such remained in existence from 1952 to 1970. However, the Punjab Legislative Assembly again passed a Resolution on 29 March, 1976 for the creation of a Legislative Council but no action in this direction has been taken so far.

STRUCTURE OF LEGISLATURE

The present House, i.e. the 10th Vidhan Sabha, has a total strength of 117 members directly elected by the people of the State on the basis of adult franchise. There is no provision for nomination of members in the State.

Unless sooner dissolved the normal tenure of the House is five years from the date appointed for its first meeting. The first three Vidhan Sabhas continued to enjoy their full term. While the later sabhas had lived for a shorter period, except the Sixth and the Eighth Vidhan Sabhas which completed their full terms, the Ninth Vidhan Sabha was dissolved on 6 March, 1988. The details of the terms of the successive Vidhan Sabhas since Independence are given in Table 1.

Table 1: Tenure of Punjab Vidhan Sabhas*

S.No.	Punjab Vidhan Sabha	Tenure From	To
1.	First	3.5.1952	31.3.1957
2.	Second	24.4.1957	28.2.1962
3.	Third	13.3.1962	28.2.1967
4.	Fourth	20.3.1967	23.8.1968
5.	Fifth	13.3.1969	13.6.1971
6.	Sixth**	21.3.1972	30.4.1977
7.	Seventh	1.7.1977	16.2.1980
8.	Eighth	27.6.1980	26.6.1985
9.	Ninth	29.9.1985	6.3.1988
10.	Tenth	25.2.1992	Till date

* The East Punjab Legislative Assembly continued up to 1952.

** The term of the Assembly was raised to 6 years by a Constitutional amendment, which was, however, again reduced to 5 years.

PARTIES AND MEMBERS

Parties in Legislature: in the Tenth Punjab Vidhan Sabha there are seven major political parties besides independents and others. These are:- (1) Indian National Congress 2) Bahujan Samaj party (3) Bhartiya Janata Party (4) Communist Party of India (5) Shiromani Akali Dal (Kabul) (6) Communist Party of India (M) and (7) Janata Dal.

Party Whips: To execute the planning and policies of different recognised political parties in the Punjab Vidhan Sabha, Whips are appointed by the respective parties and they convey their parties' direction and issue Whips to their Party members on various issues before the House, as and when necessary.

Leader of the Opposition: The Leader of the Opposition is the member of the Vidhan Sabha, who is for the time being, the Leader of the Party in Opposition having the largest numerical strength and recognised as such by the Speaker. To provide statutory recognition to the Leader of the Opposition and payment of salary and provision of

certain facilities to him, a law entitled "The Salary and Allowances of the Leader of Opposition in the Legislative Assembly Act, 1978" has been enacted.

The leader of the Opposition is paid a salary of Rs.2500/- per month. Besides, he is entitled, without payment of rent, to the use of a furnished residence and no charges were recovered from him in respect of the maintenance of such residence. Additionally, he is entitled to travelling and daily allowance as specified in the aforesaid Act and the Rules framed thereunder. He is also entitled to a state car, the expenses on the maintenance and propulsion of which are borne by the State Government or he can claim a conveyance allowance at the rate of Rs.300/- per mensem. He is further provided with telephone and Secretarial facilities.

At present there is no recognised opposition party in the Tenth Punjab Vidhan Sabha as no party has the strength of members to be recognised as such. Hence there is no Leader of the Opposition in the House.

Qualifications of Membership: The qualifications for the membership of the Punjab Vidhan Sabha is the same as has been enshrined in Article 173 of the Constitution. Provisions for disqualification as have been provided in the Constitution (52nd Amendment) Act, 1985, are equally applicable to the members of the Punjab Vidhan Sabha.

Oath/affirmation: The first duty of a member elected to the Legislature is to make and subecribe the oath or affirmation. The executive head of the State, the Governor or any other person authorised by him on his behalf can administer the oath or affirmation.

Salary and other facilities: A member of the Punjab Vidhan Sabha is entitled to a compensatory allowance of Rs. 900 per mensem from the date of publication of the notification of the Election Commission under Section 73 of the Representation of the People Act 1951. The payment of full compensatory allowance in a month is subject to the condition that he attends at least ninety percent of the total number of meetings held in that month and in case of his failure to do so., he has to satisfy the Secretary that he was prevented by reason of ill-health or other sufficient cause from attending the required number of meetings. Otherwise, he is entitled to an attendance allowance at

the rate of rupees twenty for every meeting actually attended by him during that month. Besides, a member is entitled to a Constituency, Secretarial and Postal Facilities Allowance at the rate of Rs.1100/- per mensem. The procedure for claiming this allowance is the same as in the case of Compensatory allowance. He is also entitled to a Halting allowance of Rs.100/-.

Travelling Facilities: Travelling allowance is payable to the member in respect of the journeys performed by him for the purpose of attending a session of the Vidhan Sabha or a meeting of a Committee or for the purpose of attending to any other business under orders of the Speaker connected with his duties as a member, from his usual place of residence to the place where the session of the meeting is held.

Telephone Facilities: A member is entitled to have a telephone installed at any place within his Constituency or at his permanent place of residence or at Chandigarh as may be specified by him and after the place of installation is so specified, the charges for first installation or, and security deposit and annual rent for such telephone is borne by the State Government, and all other expenses such, as those relating to local and outside calls are paid by the member. However, the expenditure incurred by a member on local and outside calls made by him from one or more telephones installed in his name within the State of Punjab and the Union Territory of Chandigarh is reimbursed to him by the Vidhan Sabha Secretariat subject to a maximum of Rs.7,200 in a financial year.

Medical Facilities: MLAs' flats are available for allotment to members. The monthly rent for a flat is Rs.120/- exclusive of charges for water and electricity. The member who has been allotted a flat has to obtain water and electricity connections himself. Flats are allotted by the Speaker only for the personal occupation of the member on the terms and conditions laid down in the Punjab Legislative Assembly (Allotment of MLAs' Flats, Servants' Quarters and Motor Garages) Rules, 1971. A member who has not been allotted a flat is entitled to a room (suite) in the MLAs' Hostel on daily basis at a concessional rent of Rs.3 per day. For an additional room, he is charged Rs.25 per day. The rooms in the Hostel are not allowed on permanent or monthly basis.

Resignation: A member of the Vidhan Sabha who desires to resign his seat in the House intimates in writing under his hand addressed to the Speaker his intention to resign his seat in the House, in the prescribed form and should not assign any reason for his resignation.

Absence from House: As per the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha, if a member finds at any time that he would be unable to attend the sittings of the Vidhan Sabha for a period of sixty consecutive days as computed in the manner provided in Article 190(4) of the Constitution, he has to apply for the permission of the Vidhan Sabha. The member may move a motion either by himself or authorise another member to do so on his behalf or he may apply in writing to the Speaker stating the reasons for his absence and seeking permission of the Vidhan Sabha. The Speaker on the receipt of the application, may read out the application of the member to the House and after the motion is moved or the application is read out, a question is put by the Speaker that permission be granted and the question is decided without debate or division. After the decision is taken by the House, the member concerned is informed of the decision of the House, by the Secretary. There exists no provision in the Rules regarding the composition of the Committee on Absence of Members. No occasion for declaring the seats vacant on account of absence of members has arisen so far because the Punjab Vidhan Sabha has not yet held 60 sittings consecutively in one session.

Expulsion: When the Speaker is satisfied that a particular member is creating disorder and unruly scenes and or interrupting the proceedings of the House time and again the Speaker may in order to maintain peace and order in the House, and to facilitate the uninterrupted conduct of the proceedings of the House (uninterruptingly) direct the member to withdraw immediately from the House and such member, so ordered to withdraw has to do so forthwith and should absent himself during the remainder of the day's meeting. In case any member is ordered to withdraw a second time in the session, the Speaker may direct the member to absent himself from the meetings of the session and the member so directed absents himself accordingly.

Further a member on the charge of his misconduct or the contempt shown by him to the Chair, the Leader of the House, or any other

member in the House, may be named by the Speaker at the first instance prohibiting him for such an activity and if he goes on repeating his action, the Speaker, on a motion moved by a member, may place him under suspension from the service of the House with the consent of the House for the period it may deem necessary.

SESSION AND SITTINGS

Issue of Summons: When a session of the Vidhan Sabha is summoned under Article 174 of the Constitution, the Secretary, Punjab Vidhan Sabha, issues a notification in respect thereof in the Gazette. The Secretary issues summons to each member specifying the date and place for the session.

Emergent Sessions: When a session is called at short notice or emergency, summons are not issued to each member separately but the announcement of the date and place of the session is published in the Gazetted and made in the Press and members are informed by telegram.

The following papers are circulated along with the summons-

(i) Notification publishing the order of the Governor in respect of summoning of the Punjab Vidhan Sabha;
(ii) Circular letter forwarding therewith summons;

Prorogation of the Vidhan Sabha: When a session of the Punjab Vidhan Sabha is prorogued, the Secretary issues a notification in respect thereof in the Gazette and informs the members.

Dissolution of the Vidhan Sabha: Under Article 174(2) (b) of the Constitution, the Governor may from time to time dissolve the Legislative Assembly.

Secret Sessions: On a request made by the Leader of the House, the Speaker fixes a day or part thereof for the sitting of the House in secret. When the House sits in secret, no stranger is permitted to be present in the Chamber, Lobbies or Galleries. The Speaker causes a report of the proceedings of a secret sitting to be issued in such manner as he

thinks fit, but no other person present should keep a note or record of any proceedings or decisions of secret sitting, whether in part or full, or issue any report of, or purport to describe such proceedings.

On adoption by the House of the motion, the Secretary causes to be prepared a report of the proceedings of the secret sitting and, as soon as practicable, publishes it in such form and manner as the Speaker may direct.

BUSINESS OF THE HOUSE

Order of Business: The following are the arrangements and organisation of Business in the Punjab Vidhan Sabha:-

1. Swearing-in of Members, if any
2. Obituary references
3. Questions
4. Call Attention Notices
5. Papers to be laid on the Table of the House
6. Reports of the Committees of the Punjab Vidhan Sabha
7. Bills (Official)
8. Resolutions (Official)
9. *The Annual Financial Statement (Budget)*
10. Discussion on Governor's Address
11. Motion under rule 77 on matters of urgent public importance of recent occurrence, if any.

Under Rule 29 on days allotted for the transaction of Government business, such business has precedence and the Secretary arranges that business in such order and on such days as the Speaker, after consultation with the Leader of the House, may determine. As required under Rule 30, on Thursday, business other than Government business has precedence. On all other days no business other than Government business is transacted except with the consent of the Leader of the House.

Business Advisory Committee: Under Rule 208 of the Rules of

Procedure and Conduct of Business in the Punjab Vidhan Sabha at the commencement of the Vidhan Sabha, or from time to time, as the case may be, the Speaker nominates the Business Advisory Committee consisting of the Speaker and not more than five other members. The Speaker is the *ex-officio* Chairman of the Committee.

The Committee recommends the time that is to be allocated for the discussion of the stage or stages of such Government Bills and other Government business as the Speaker, in consultation with the Leader of the House, may direct for being referred to the Committee. The Committee has the power to indicate in the proposed time-table the different hours at which the various stages of the Bill and other Government business are to be completed.

List of Business: The items that can be taken up without entry in the List of Business are as follows:-

(i) Announcement by the Secretary/Speaker, if any
(ii) Questions of Privilege, if any
(iii) Adjournment Motions, if any, to move for which consent has been given by the Speaker.
(iv) Statements by Ministers, etc.
(v) Motion for leave of absence from the sittings of the House.
(vi) Personal Explanations
(vii) Nomination of Committees
(viii) Presentation of Petitions
(ix) Statements by members resigning from the Ministry.

Private Members' Business: Normally on Thursdays, the Private members' Business is taken up in the following order:-

(a) Messages relating to Private Members' business from the Governor.
(b) Bills in respect of which leave to introduce is to be asked for.
(c) Resolutions on matters of general public importance
(d) Bills which have already been introduced.

Provision regarding constitution of the Committee on Private Members' Business does not exist in the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha.

No special procedure is applicable to different items of business of the House excepting that contained in the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha.

Rules of Debate: As a matter of fact, no provision has been adopted in the Rules of Procedure with regard to the fixation of the basis on which the members are to be given the floor. Conventionally the Speaker determines the members who are to take part in the discussion in view of the importance of matter before the House. However, party strength also is kept in view while allowing the members of a particular party.

The members make their speeches and address the Chair from their allotted seats. Normally, members are not allowed to read out their speech. However, they are allowed to keep referral notes in order to refresh their memory.

No specific time limit on speech is prescribed by the Speaker. However, he allots time to members in proportion to the strength of their respective parties in view of the importance of the subject matter before the House. No member speaks more than once on any motion except with the permission of the Speaker for the purpose of making personal explanation. A member who has moved a motion can speak again by way of reply and if the motion was moved by a private member, the Minister concerned may, with the permission of the Speaker, speak after the mover had replied. The members are not allowed to interrupt the proceeding of the House under the Rules.

Voting Procedure: The counting of votes in the House is done by way of Voice Votes, by rising in their seats and division in the Lobbies.

As per Rules 95, 96, 97 and 98 of the Rules of Procedure order is maintained by the Speaker while conducting the proceedings in the House. Rule 95 empowers the Speaker to interrupt a member who is speaking and ask him to resume his seat, if in his opinion the member is taking too much time and thereby depriving other members of their legitimate right to express their views. Rule 96 empowers the Speaker to direct the member to discontinue his speech if he persists in his

irrelevant and repetitious arguments. Likewise, under Rule 97, the Speaker enjoys all powers necessary for the purpose of enforcing his decision on all points of order. He may, however, direct any member whose conduct is grossly disorderly, to withdraw immediately from the House, and any member so ordered to withdraw does so forthwith and asserts himself during the remainder of the day's meeting. In case he is ordered again to withdraw from the House, he has to withdraw and to absent himself from the sittings of the House for any period not longer than the remainder of the session. The Rule further provides that in case the member does not obey the order of the Speaker, such a member deemed to be absent from the meetings of the House for the purposes of section 3(27)(a) of the Punjab Legislative Assembly (Allowances of Members) Act, 1942. Rule 98 empowers the Speaker to suspend the sittings of the House in case of grave disorder.

Proceedings: The language used for the title of the debates is English.

Verbatim record of the debates is kept. Summary and record of decisions are not prepared. Uncorrected debates are generally issued the next day and edited and printed debates are supplied after a period ranging from six months to one year as the Vidhan Sabha Secretariat does not have its own Printing Press and the debates are got printed from the Government Press.

The languages used in the debates are Punjabi, Hindi and English.

PRESIDING OFFICERS

Under clause 1 of Article 180 of the Constitution, the Speaker *pro tem* is appointed by the Governor to perform the duties of the office of the Speaker till a regular Speaker is chosen under Article 178. No salary and allowance are however, paid to the *pro tem* Speaker.

As soon as may be, after a General Election, the Vidhan Sabha elects a Speaker after members are sworn in. Any member may propose another member present in the House and move that such member takes the Chair of the House as Speaker. If the motion is seconded and no other member is proposed, the person presiding may without putting the question, declare that member elected and call him to take

the Chair.

However, if names of other members are proposed and seconded the question is to be put one by one in the order in which the motion has been moved and determined, if necessary by division. If any motion is carried, the person presiding may, without putting later motions, declare elected the member proposed in the motion which has been carried and call that member to take the Chair. A member should not propose his name or second a motion proposing his name, or propose or second more than one motion.

The election of the Deputy Speaker is held on such date as the Speaker may fix and the Secretary intimates to each member the date so fixed. The procedure for the election is the same as in respect of the election of the Speaker.

The Speaker/Deputy Speaker holds office:

(i) till he vacates his office or if he ceases to be a member of the Assembly; or
(ii) if he resigns; or
(iii) if he is removed from his office by a resolution of the Assembly.

Under the second proviso of Article 179, the Speaker does not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

The Presiding Officers are paid Rs.2500/- per month as salary. The Presiding Officers are provided by the State Government free furnished houses at Chandigarh, maintenance charges of which are borne by the State government. However, in the case of the Deputy Speaker, he is paid such allowances not exceeding three hundred rupees per mensem as the State Government may fix if he is not provided with Government accommodation. They are also entitled to avail the same medical facilities as are available to a class I officer of the Punjab Government. They are also given other facilities like personal staff, staff car and guard.

The powers and functions of the Speaker in the State Legislature

are almost identical to those of the Speaker of Lok Sabha in relation to the House. So far as the Speaker being the Head of the State Legislature Secretariat is concerned, the power to appoint the Secretary to the State Legislature vests in the Government which exercises this power in consultation with the Speaker, and all other appointments and all matters relating to promotion, etc. vests in the Speaker himself. The Speaker is also authorised to create fresh posts in the Vidhan Sabha Secretariat in consultation with the Finance Department. The Speaker is the *ex-officio* President of the Commonwealth Parliamentary Association, Punjab Branch, and the Indian Parliamentary Association, Punjab State Parliamentary Group.

Tables 2 and 3 show the names and the tenure of the Successive Speakers and Deputy Speakers of the Punjab Vidhan Sabha.

Table 2: Statement showing the names and tenure of Speakers

Name	Tenure	
	From	To
Sardar Kapoor Singh	1.11.1947	June, 1951
Dr. Satya Pal	5.5.1952	18.4.1954
Sardar Gurdial Singh Dhillon	18.5.1954	13.3.1962
Shri Prabodh Chandra	14.3.1962	18.3.1964
Shri Harbans Lal	25.3.1964	19.3.1967
Lt. Col. Joginder Singh Mann	21.3.1967	13.3.1969
Sardar Darbara Singh	14.3.1969	3.9.1973
Dr. Kewal Krishan	25.9.1973	30.6.1977
Sardar Ravi Inder Singh	1.7.1977	27.6.1980
Shri Brij Bhushan Mehra	1.7.1980	13.10.1985
Sardar Ravi Inder Singh	15.10.1985	27.5.1986
Sardar Surjit Singh Minhas	2.6.1986	15.3.1992
Sardar Harcharan Singh Ajnala	17.3.1992	Till date

Table 3: Statement showing the names and tenure of Deputy Speaker.

Name	Tenure From	To
Shri Thakur Pancham Chand	3.1.1947	20.3.1951
Smt. Shanno Devi	26.3.1951	20.6.1951
Sardar Gurdial Singh, Dhillon	10.5.1952	17.5.1954
Chaudhri Sarup Singh	19.5.1954	28.2.1962
Smt. Shanno Devi	19.3.1962	31.10.1966
Dr. Jagjit Singh	27.3.1967	27.11.1967
Sardar Baldev Singh	8.12.1967	23.8.1968
Brig. Bikramajit Singh Bajwa	20.3.1969	24.7.1970
Brig. Bikramajit Singh Bajwa	28.7.1970	13.6.1971
Dr. Kewal Krishan	28.3.1972	25.9.1973
Sardar Nasib Singh Gill	28.9.1973	30.4.1977
Shri Panna Lal Nayyar	8.7.1977	17.2.1980
Sardar Gulzar Singh	8.7.1980	26.6.1985
Sardar Nirmal Singh Kahlon	5.11.1985	6.5.1986
Sardar Jaswant Singh	2.6.1986	6.3.1988
Shri Romesh Chander Dogra	7.4.1992	Till date

PROCESS OF LEGISLATION

Any member desiring to move for leave to introduce a Bill has to give fifteen days' notice of his intention and together with his notice, submit a copy of the Bills and a full statement of Objects and Reasons. However, the Speaker may for sufficient reasons, allow the motion for leave to introduce a Bill to be made at shorter notice.

If the bill or amendment, given notice of by a private member, is a Bill or amendment which under the Constitution, cannot be introduced without the previous sanction of the President or recommendation of the Governor, the member should annex to his notice a copy of such sanction or recommendation, as the case may be and the notice is not valid until this requirement is complied with.

The order of the President or the Governor sanctioning or recommending the introduction or consideration, as the case may be, of a

Bill is required to be communicated to the Secretary by the Ministry concerned in writing.

A Bill involving expenditure is to be accompanied by a financial, memorandum which has to invite particular attention to the clause involving expenditure and has also to give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into a law.

The clauses or provisions in the bills involving expenditure from public functions are required to be printed in thick type or in italics. However, where a clause in a Bill involving expenditure is not printed in thick type or in italics, the Speaker may permit the member-in-charge of the Bill to bring such clauses to the notice of the House.

A Bill involving proposals for the delegation of legislative power is further required to be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.

If a motion for leave to introduce a Bill is carried, the Bill is introduced. When a Bill is introduced or on some subsequent occasion, the member-in-charge may make one of the following motions in regard to his Bill, namely :-

(a) that it be taken into consideration by the Sabha (Assembly) either at once or at some future day to be specified, or
(b) that it be referred to a Select Committee; or
(c) that it be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

If notice or a proposed amendment has not been given two clear days before the day on which the consideration of the clause to which the amendment is proposed is commenced, any member may object to the moving of the amendment and such objection has to prevail unless the Speaker allows the amendment to be moved. The Secretary. if time permits, causes every such notice to be printed, and a copy thereof is made available for the use of every member.

Notwithstanding anything in the rules, the Speaker may. when a

motion that a Bill be taken into consideration has been carried, submit the Bill, or any part of the Bill, to the Vidhan Sabha (Assembly) clause by clause. The Speaker may call each clause separately, and when the amendments relating to it have been dealt with, puts the question: "That this clause or, that this clause as amended, as case may be, stand part of the Bill."

The Speaker may, if he thinks fit, put as one question a group of clauses to which no amendments have been moved. But if a member requests that any clause be put separately, the Speaker puts that clause separately.

Clause one, the enacting formula, the preamble, if any, and the title of a Bill stand postponed until the other clauses and schedules (including new clauses and new schedules) have been disposed of and the Speaker then puts the question "that clause one or the enacting formula or the preamble or title (or, as the case maybe, that clause one, preamble or title as amended) stand part of the Bill."

When a motion that a bill be taken into consideration has been carried and no amendment of the Bill is made, the member-in- charge may at once move that the Bill be passed. The discussion on a motion that the Bill be passed is confined to the submission of arguments either in support of the Bill or for rejection of the Bill. In making his speech a member cannot refer to the details of the Bill further than is necessary for the purpose of his arguments which are of a general character.

A Bill referred to a Select Committee is thoroughly examined by the Committee from all aspects. It goes through the Bill clause by clause in order to see that the provisions of the Bill bring out clearly the intention behind the measure that there is no procedural defect in its working, that the Bill does not offend against provisions of the existing law and that the object proposed to be achieved is adequately brought out.

The Select Committee has power to make such amendments in the Bill as it thinks fit provided that such amendments are relevant to the subject matter of the Bill and are not beyond the scope of the Bill. It can also amend the title of the Bill.

The Select Committee has ample time at its disposal to go minutely

through the provisions of the Bill and suggest changes. Therefore, it plays a vital role in the shaping/reshaping of the Bill which comes through it.

A Select Committee may hear expert evidence and the representatives of any special interest affected by the measure before it. It may, for this purpose, require any person to attend before it as witness or to produce before it such paper and records as it may think necessary.

Amendments to the Constitution: As soon as a message for the ratification of the amendment to the Constitution is received from the Secretariat of a House of Parliament, a copy of the Bill together with the message is forwarded to the Government at the first convenient opportunity.

As soon as a notice of the resolution for the ratification of the amendment to the Constitution is received from a Minister it is circulated to all members of the Vidhan Sabha. When the House meets a copy of the Bill is laid on the Table of the House by a Minister. Thereafter the Minister moves the resolution for the ratification of the amendment to the Constitution falling within the purview of the proviso to clause (2) of Article 368 of the Constitution. No amendment is allowed to be proposed to such a resolution. The Speaker, if he thinks fit, prescribes a time- limit for speeches.

After the resolution is passed by the House, a message is sent to the Secretariat of the House of Parliament from which the message was received that the Vidhan Sabha (Assembly) rectifies the amendment. Similar information is also sent to the Government as required by Rule 163.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

The members have been armed with a number of devices through which they can raise various issues and their grievances in respect of day to day problems of the electorate and invite attention of the administration thereto and give suggestions in respect thereof, and also point out the laxity on the part of the administration in sorting

out the problems. The Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha enumerate the following devices available to members.

Questions: There are three categories of Questions namely (i) Starred, (ii) Unstarred and (iii) Short-Notice Questions.

A Starred question is one to which a member desires an oral answer in the House. The member asking such a question distinguishes it by an asterisk. The members may further elicit information by asking Supplementaries on the question. The rules prescribe a limit of five supplementaries to the question.

The Unstarred question is asked for the purpose of obtaining information on a matter of public concern and which is not orally asked in the House. Both types of questions may be asked by giving 15 days' clear notice.

A member may ask a question relating to a matter of public importance with a notice shorter than fifteen clear days subject to the satisfaction of the Speaker that the question is of an urgent character. The member has to briefly state the reasons for asking the question with shorter notice.

Half-an-Hour Discussion: The members may raise Half-an- Hour Discussion with the consent of the Speaker in relation to a matter of sufficient public importance which has been a subject of recent question (oral or written) and answer to which needs elucidation on a matter of fact. The Rules of Procedure require that the notice for raising such a discussion is to be given to the Secretary stating the point or points sought to be raised one day in advance of the day when it is intended to be raised. The notice has to be accompanied by an explanatory note stating the reasons for raising discussion and is also required to be supported by the signatures of two other members. Such discussion, if permitted, takes places after the hour of interruption or after the conclusion of the business of the day, whichever is earlier. No voting takes place at the end of the discussion.

Adjournment Motion: An adjournment motion is a motion intended to secure a discussion on a matter of urgent public importance of recent occurrence by interrupting the normal business of the House. This requires the consent of the Speaker. The motion, if found in order and

after the leave of the House is given, is ordinarily discussed for two hours after the hour of interruption or earlier if the business for the day is finished earlier. No question is put to vote.

Notice for an adjournment motion has to be given two hours before the commencement of the sitting and is to be accompanied by a brief explanatory memorandum explaining the motion. The right to move the adjournment of the Vidhan Sabha for the purpose of discussing a definite matter of urgent public importance is subject to certain restrictions. Not more than one such motion is made at the same sitting and not more than one matter is discussed on the same motion.

After the Speaker has given his consent, the member concerned has to ask for leave of the House. If objection to the grant of leave is taken, the Chair asks for those members who are in favour of leave being granted to rise in their places and if not less than fifteen members do so, the Chair intimates that leave is granted. Otherwise, the Chair intimates that leave is not granted.

As per the well-established practice, such motions are not admitted during the Budget session. And also such motions are not taken up on the day the Budget for the year is presented in the House.

Motion of No-Confidence: A No-Confidence Motion is intended to express want of confidence in the Council of Ministers. The member intending to move such a motion has to give notice in writing to the Secretary before the commencement of the sitting. If in the opinion of the Speaker the motion is in order, he reads it to the House and asks those in favour of leave being granted to rise in their places and if not less than one-fifth of the then existing strength of the members of the House do so, he intimates that leave is granted. In the event of leave being granted discussion takes place on the day or days appointed by him for the purpose, but such day/days/part of the day must be within a period of ten days from the day on which the leave is granted. The Speaker may prescribe time-limit for speeches.

Short Duration Discussion: A Short Duration Discussion may take place on the motion that the policy or situation or statement or any other matter may be taken into consideration. But such motion is not put to the vote of the House. Rules do not specifically prescribe any conditions for the admissibility of such a motion. However, the Speaker

has, through a direction issued by him, prescribed the same.

Calling Attention Notices: Calling the attention of a Minister to any matter of urgent public importance, though strictly not a mode of raising a discussion, is the method of focussing the attention of the House on that matter. A Member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister has to make a brief statement pertinent thereto. No member can give more than two such notices for any one sitting.

Rules do not specifically prescribe any conditions for the admissibility of a Call Attention Notice. However, the Speaker has, through a direction issued by him, prescribed the conditions.

A member cannot refer on the floor of the House to a Call Attention Notice disallowed by the Speaker. If he wishes to make a representation to the Speaker in this connection, he may do so in the Speaker's Chamber.

A notice should invariably relate to a single specific department of the Government. Where a notice relates to more than one department, the same is disallowed.

In accordance with the established convention, notices of such motions are not taken up on the day the Budget for the year is presented to the House.

A Call Attention Notice is required to be given in writing to the Secretary two clear days before the commencement of the sitting on the day on which it is proposed to be taken up. Where a notice is signed by more than one member, it is deemed to have been given by the first signatory only. However, where more than three members sign and give a Call Attention Notice, the names of the first three signatories are shown in the List of Business.

The attention of the Minister to whose department the matter relates is called and it is done with the consent of the Speaker. The Minister makes a brief statement on the day for which the notice has been entered in the List of Business. There is no debate at the time such statement is made. However, the member giving notice and other members, if any, whose names appear along with his name in the List of Business, are allowed to put one question each for the purpose of

seeking clarification. Not more than three such matters can be raised at one sitting. If more than three Call Attention Notices are admitted, a ballot is held to determine the relative precedence of each of the three and the remaining notices lapse. A brief summary of admitted Call Attention Notices is entered in the list of Business for the day on which the same is to be taken up.

Governor's Address: Discussion on Address delivered by the Governor under Article 175(1) of the Constitution or special Address under Article 176(1) takes place on a motion of thanks moved by a member and seconded by another member. The Speaker allots time in consultation with the Leader of the House for the discussion of matters referred to in the Governor's Special Address. The Members, during the discussion, ventilate the problems being faced by their electorate, point out laxities on the part of the Administration and give suggestion to solve the problems. At the end of the discussion, the Government gives the reply to the discussion explaining its position. The Speaker may enquire how much time is required for speech and may fix the hour by which the discussion is to conclude. The Speaker may, if he thinks fit, prescribe, time limit for speeches after taking the sense of the House.

Petitions: The Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha provides that a member may present a petition to the House with the consent of the Speaker, duly signed by the petitioner. The full name and address of every signatory to the petition should be given and authenticated by his signatures and if illiterate, by his thumb impression. If there are more than one signatories to the petition, at least one person should sign or if illiterate, affix his thumb impression on the sheet on which the petition is inscribed. However, a member himself cannot be a petitioner. The petition should pertain to a Bill which has been published or which has been introduced or to any matter of general public interest. Provided, it does not (i) fall within the cognizance of a court of law or a court of enquiry or statutory Tribunal or a quasi-judicial body or Commission, or (ii) is relating to something that is not ordinarily raised in Parliament, or (iii) is not part of a substantive motion or resolution, and (iv) is something for which remedy is available under the law including rules, regulation, bye-laws made by the Punjab Government or an authority to whom

power to make such rules, regulation, etc., is delegated. A petition must relate to some matter which the Vidhan Sabha is competent to consider and its must not propose expenditure of public moneys or the imposition of any charge in public revenues. A petition should be couched in respectful, decorous and temperate language and should be in Punjabi, Hindi or English.

A petition should be self-contained and no letter, affidavit or document should be annexed to it. A petition should conclude with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates.

A member has to give advance intimation to the Secretary of his intention to present a petition. A petition may be presented by a member or forwarded to the Secretary and in the latter case, the Secretary makes a report to the House in the prescribed form.

The Committee on Petitions consists of 13 members nominated by the Speaker at the Commencement of Assembly or from time to time. Prior to 1973 the strength of the Committee used to be five and the Deputy Speaker used to be the *ex-officio* Chairman of the Committee.

The functions of the Committee as laid down in the Rules of Procedure are as under:

(i) The Committee examines every petition referred to it, and if the petition complies with these rules, the Committee may direct that it be circulated. Where circulation of the petition has not been directed, the Speaker may at any time direct that the petition be circulated.

(ii) Circulation of the petition is in *extenso* or in summary form as the Committees or the Speaker, as the case may be, may direct.

(iii) It is also the duty of the Committee to report to the House on specific complaints made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measures either in a concrete form applicable to the case under review as to prevent such cases in future.

BUDGET IN LEGISLATURE

The Budget: In so far as the nature, form and contents of the Budget including other Budget documents are concerned, there are prepared by the Government in the Finance Department. The Committee on Estimates has the power to suggest any change in the nature, form and contents of the Budget.

The Budget is presented in the House by the Finance Minister or any other Minister authorised on this behalf with his Budget speech indicating the broad outline of the estimates, on the date appointed by the Governor.

Allotment of time for discussion on the Budget is settled by the Speaker in consultation with the Leader of the House and the discussion thereon takes place on a day or days so appointed by them. However, the time table in this regard is generally settled by the Business Advisory Committee and the same is reported by the Speaker to the House and notified to the members. After the report is made to the House and accepted by it, it takes effect as if it were an Order of the House. Thereafter, the general discussion on Budget takes place accordingly.

Demands for Grants: The Demands for Grants are arranged in such order as the Leader of the House intimates. The voting of demands for Grants takes place on such days not exceeding fifteen as the Speaker in consultation with the Leader of the House allots or the Business Advisory Committee allots for the purpose. Of the days so allotted, not more than two days are taken up by the Vidhan Sabha for the discussion of any one Demand. As soon as the maximum limit of time for discussion is reached, the Speaker forthwith puts every question necessary to dispose of the demand under discussion. On the last day of the days so allotted, the Speaker, one-and-a half hours before the normal hour of interruption of business, forthwith puts every question necessary to dispose of the demands under consideration, and then forthwith puts one by one all the outstanding Demands for Grants. The Speaker may, if he thinks fit, prescribe a time-limit for speeches.

Motions may be moved to omit or reduce any item or to reduce any

grant but not to increase or alter the destination of a grant. Notice of such motions is to be given two clear days before the day on which such items or such grant comes up for discussion, unless the Speaker allows a motion to be moved at a shorter notice.

When a token cut is proposed, the object of the cut is required to be specified clearly and precisely. Where a motion is intended to limit the debate to a subject matter relating to an item it should be given as an amendment to that particular item and not to the total grant. Where a motion includes more than one item it may be moved as a reduction of the whole grant. The debate on motions must be confirmed to the administrative matters for which the Government is responsible and not deal with matters requiring legislation.

Normally it takes two weeks to complete the whole process between the presentation of the Budget and its adoption by the House.

LEGISLATIVE COMMITTEES

As a part of the parliamentary democratic set up, the Committees play a vital role. The Committees function on behalf of the House and critically examine the working of the Executive.

Before the commencement of the Constitution, there was a provision in the Rules of Procedure for the constitution of the Committees like the Committee on Public Accounts, the Committee on Estimates, the Committee on Petitions and the House Committee. After April, 1952, a number of Committees had been constituted after making requisite amendments in the Rules of Procedure from time to time. The Rules of Procedure also provided for the constitution of the Select Committee and the Joint Select Committee. With the abolition of the Punjab Legislative Council in January, 1970, the provision for the Joint Select Committee ceased to exist.

In November, 1957 two Regional Committees, namely, the Hindi Regional Committee and the Punjabi Regional Committee were constituted by virtue of a Presidential order. The Committees consisted of members representing constituencies falling in their respective regions. These Regional Committee stood abolished w.e.f. 31 October, 1966 as a result of the re-organisation of the State of Punjab when

Haryana State was carved out of the composite State of Punjab.

At present, the Punjab Vidhan Sabha has 14 permanent Committees of which the following four Committees, consisting of 13 members each are elected by the House on the basis of proportional representation by means of single transferable vote for a period of one year:

1. Committee on Public Accounts.
2. Committee on Estimates.
3. Committee on Public Undertakings.
4. Committee on Welfare of Scheduled Castes, Scheduled Tribes and Backward Classes.

Committee on Public Accounts: The function of the Committee is to examine the accounts showing the appropriation of the sums granted by the Vidhan Sabha (Assembly) to meet the expenditure of the Government of Punjab and such other accounts laid before the Vidhan Sabha as the Committee may think fit.

In scrutinising the appropriation accounts of the Government of Punjab and the report of the Comptroller and Auditor-General thereon, it is the duty of the Committee to satisfy itself:-

(a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;
(b) that the expenditure conforms to the authority which governs it; and
(c) that every re-appropriation has been made in accordance with provisions made in this behalf under the Rules framed by competent authority.

It is also the duty of the Committee:

(a) to examine such trading, manufacturing and profit and loss accounts and balance sheets, as the Governor may have

required to be prepared and the Comptroller and Auditor-General's report thereon;

(b) to consider the report of the Comptroller and Auditor-General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stock;

However, the Committee does not exercise its functions in relation to such Public Undertakings as are allotted to the Committee on Public Undertakings by the Rules or by the Speaker. The Committee may hear officials, take their evidence do physical verifications, make on the spot study of facts or call for any record connected with the estimates under examination.

Committee on Public Undertakings: The Committee on Public Undertakings examines the working of the Public Undertakings.

The functions of the Committee are:

(a) to examine the reports and accounts of the Public Undertakings specified in Schedule II of the Rules and of such other Public Undertakings as may be referred to the Committee by the Speaker for examination;

(b) to examine the reports, if any, of the Comptroller and Auditor-General on the Public Undertakings;

(c) to examine in the context of the autonomy and efficiency of Public Undertakings, whether the affairs of the Public Undertakings are being managed in accordance with sound business principle and prudent commercial practices; and

(d) to exercise such other functions vested in the Committee on Public Accounts and Committee on Estimates in relation to the Public Undertakings mentioned above as are not covered by clauses (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time.

However the Committee does not examine and investigate any of the following, namely:-

(i) matters of major Government policy as distinct from business or commercial functions of the public undertakings;
(ii) matters of day-to-day administration;
(iii) matters for the consideration of which machinery is established by any special statute under which a particular public undertaking is established.

The following ten Committees are nominated by the Speaker for a period of not less than one year. The functions of these Committees are self-explanatory.

1. Rules Committee
2. Business Advisory Committee.
3. Committee of Privileges.
4. Committee on Government Assurances.
5. Committee on Subordinate Legislation.
6. Library Committee.
7. House Committee.
8. Committee on Petitions.
9. Committee on Papers laid/to be laid on the Table.
10. General Purposes Committee.

The Chairmen of the Committees of the Vidhan Sabha are nominated by the Speaker from amongst the members of the Committee. Rules provide that where the Deputy Speaker happens to be a member of the Committee he is to be the *ex-officio* Chairman of that Committee. Besides the Speaker is the *ex-officio* Chairman of the Business Advisory Committee, the Rules Committee and the General Purposes Committee. The Deputy Speaker is always the *ex-officio* Chairman of the House Committee.

Select Committee: The Rules also provide for the appointment of a Select Committee on a motion by the House. The Select Committee on a Bill, when appointed by the House, consists of not more than 15 members. However, the membership of the Committee can be increased with the leave of the House upto 25 members. The

Minister-in-charge of the Bill, the Advocate-General and either the Deputy Speaker or a member of the panel of Chairmen as may be nominated by the Speaker are members of every Select Committee and it is not necessary to include their names in any motion for appointment to such a Committee.

The reports of the Committee are presented to the House in each case by the Chairman concerned or in his absence by another member of the Committee. However, the General Purposes Committee, the Library Committee and the House Committee do not present their reports. The other Committees present their reports to the House as often as they think proper. When the House is not in session the Committee can present its report to the Speaker who orders its printing, publication and circulation. In that case, the report of the Committee is laid on the Table in its next Session.

LEGISLATIVE PRIVILEGES

The immunities and privileges of the members of the Punjab Vidhan Sabha are the same as those of members of Parliament.

A member may with the consent of the Speaker, raise a question involving a breach of privilege either of a member or of the House or of a Committee thereof.

A member wishing to raise a question of privilege is required to give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice is to be accompanied by the document. The right to raise a question of privilege is governed by the following conditions:-

(i) not more than one question is to be raised at the same sitting;
(ii) the question is to be restricted to a specific matter of recent occurrence;
(iii) the matter requires the intervention of the Vidhan Sabha.

The Speaker, if he gives consent and holds that the matter proposed to be discussed is in order, after the questions and before the List of business is entered upon, calls upon the member concerned who rises in his place and while asking for leave to raise the question of privilege makes a short statement relevant thereto. However, where the Speaker has refused his consent or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of question of privilege and state that he refuses consent or holds that the notice of question of privilege is not in order.

If objection to leave being granted is taken, the Speaker requests those members, who are in favour of leave being granted, to rise in their places and if not less than thirty members rise accordingly, the Speaker intimates that leave is granted. If less than thirty members rise, the Speaker informs the member that he has not the leave of the House. The Speaker, if satisfied, about the urgency of the matter, allows a question of privilege to be raised at any time during the course of a sitting. Such question is to be raised at the earlier opportunity and does not ordinarily require notice.

If the leave is granted the question stands referred to the Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member.

The Speaker can himself also refer any question or privilege to the Committee of Privileges for examination, investigation or report. The Committee of Privileges, after examining the matter, recommends to the House the action to be taken against the offenders in the form of a Report.

On a motion moved by the Chairman or a member of the Committee or any other member, the report is taken into consideration. The next motion moved is that the Vidhan Sabha agrees or disagrees, with amendments contained in the Report.

Committee of Privileges: At the commencement of the Vidhan Sabha or from time to time, as the case may be, the Speaker nominates a Committee of Privileges consisting of not more than 12 members. Normally, the term of the Committee is one year. The Chairman of the Committee is appointed by the Speaker from amongst the members of

the Committee.

The Committee examines every question of privilege referred to it and determines with reference to the facts of each case whether a breach of privilege is involved and if so, the nature of the breach, the circumstances leading to it and make such recommendation as it may deem fit.

The report may also state the procedure to be followed by the House in giving effect to the recommendations made by the Committee.

After the question of privilege is referred to the Committee by the Speaker or by the House, the Chairman calls a preliminary meeting of the Committee to consider the said question of privilege and determine the procedure to be followed in connection therewith. Meetings of the Committee are fixed by the Chairman, and the agenda thereof is circulated to its members. All papers which are circulated to the Committee are marked and treated as confidential. Persons making complaint, the person complained against and the witnesses, are called through a notice issued by the Secretary. They are examined on oath. The Chairman first asks question and thereafter other members, one by one, put questions to a witness with the permission of the Chairman. If, after going through the relevant material placed before it, the Committee takes the decision that a *prima facie* case of breach of privilege has not been made out, it may report to the Vidhan Sabha accordingly. Otherwise, the Committee holds its meetings from time to time till a report is made within the time fixed by the Vidhan Sabha. Where the Vidhan Sabha has not fixed any time for the presentation of the report, it is presented within one month of the date on which reference to the Committee was made. The Vidhan Sabha may at any time, on a motion made, direct that the time for the presentation of the report by the Committee be extended to a date specified in that motion.

Where the House has fixed time for the presentation of the report, the Speaker may, on a request made by the Chairman and when the House is not in session, extend the time for making report by the Committee and inform the House when it re- assembles.

If any member desires to record a Minute of Dissent on any matter, he hands in his minute to the Chairman.

The Report of the Committee is signed by the Chairman on behalf of the Committee and if the Chairman is absent or is not readily available the Committee chooses another member to sign the report on behalf of the Committee.

The Speaker may, on a request being made to him and when the Vidhan Sabha is not in session, order the printing, publication or circulation of a report of a Committee although it has not been presented to the Vidhan Sabha. In that case the report is presented to the Vidhan Sabha during its next session at the first convenient opportunity.

No Legislative privilege has ever been referred to in any court of law so far.

SERVICING OF LEGISLATURE

The Secretary: The Secretary is the head of the Punjab Vidhan Sabha Secretariat. His appointment is made by the Government in consultation with the Speaker either by direct recruitment or by promotion from within the Vidhan Sabha Secretariat. No specific term of office has been fixed for the post of Secretary. The age of retirement is 58 years.

He guides the Chair in all legislative matters. As the financial head of the Secretariat he has full powers as delegated to the Heads of Departments. He, being the administrative head of the Vidhan Sabha Secretariat, supervises the functioning of the subordinate staff.

Table 4 gives the names and the tenure of successive Secretaries of the Punjab Vidhan Sabha.

Table 4: Successive heads of the Punjab Vidhan Sabha Secretariat

S.No.	Name of the Secretary	Tenure	
		From	To
1.	Sardar Bahadur Sardar Abnasha Singh		upto 1952
2.	Dr. Kuldip Chand Bedi	1952	1968

S.No.	Name of the Secretary	Tenure	
		From	To
3.	Shri Krishan Swaroop	1968	1974
4.	Sardar Pratap Singh	Oct. 1974	Sept. 1986
5.	Shri B.B. Sehgal	16.9.1986	31.12.1986
6.	Shri G.L. Kaul*	2.1.1987	27.2.1987
7.	Shri Kartar Singh Mann	28.2.1987	30.9.1988
8.	Shri G.L. Kaul	11.10.1988	Till date

* Additional Charge of Secretary was given to Shri G.L. Kaul, Deputy Secretary.

The Secretariat: Prior to the year 1953, the Assembly Secretary was a second class office and the Speaker was the Head of the Department. All the powers of the Administrative Secretary were vested in the Chief Secretary to the Government of Punjab. In view of the provision contained in Article 187 of the Constitution, envisaging an independent status of the Legislature Secretariat, the Governor of Punjab, in April, 1953 ordered that:-

"The power to appoint a Secretary to either House of the State Legislature will vest in Government in consultation with the Chairman or the Speaker, as the case may be, and all other appointments and all matters relating to promotions, etc., will vest in the Chairman or the Speaker as the case may be. The Chairman or Speaker will be competent to create fresh posts in their respective Secretariats, in consultation with the Finance Department."

In December, 1953 the Government of Punjab further directed:

"to declare the Secretary, Punjab Legislative Assembly Secretariat as Head of Department in respect of the Assembly Secretariat. He will exercise all the powers vested in Heads of Department as specified in the various Financial Rules and Regulations."

Again, *vide* memorandum, dated December, 1953 the Secretary, Punjab Legislative Assembly was delegated certain powers to which assent of the Finance Department was presumed. Again the Punjab Government in May 1955 decided that:

"In the matter of precedence for all State functions, the Secretary of the Punjab Vidhan Sabha will rank with the other Secretaries to the State Government."

Later, this Secretariat was upgraded from "B" Class Office to "A" Class Office.

The main branches of the Punjab Vidhan Sabha Secretariat are as under:-

1. Establishment Branch
2. Bills Branch
3. Public Accounts Committee Branch
4. Estimate Committee Branch
5. Public Undertakings Committee Branch
6. Welfare Committee Branch
7. Legislation Branch
8. Question Branch
9. Accounts Branch (CA/TA Branch)
10. Translation Branch
11. Publication Branch
12. Research Branch
13. Miscellaneous Branch
14. Pension & Loans Branch
15. Notice Office
16. Watch & Ward Officer's Branch
17. Assistant Information Officers Branch
18. Library Branch

The Vidhan Sabha Secretariat is independent of Executive. Barring the appointing of the Secretary, all appointments and promotions of the staff are made by the Speaker. The Secretary, Punjab Vidhan Sabha, has also been given powers analogous to those of an Administrative Secretary to the Government in dealing with the Department of Finance and Legislative Affairs. All references to the Finance Department for the creation of posts etc. are made directly but recently

some controversy has arisen as the Finance Department is insisting that the references should be routed throughout the Department of General Administration which is under the Chief Secretary. The matter has been taken up by Hon'ble. Speaker with the State Government for maintaining the status quo.

RAJASTHAN

ORIGIN AND GROWTH

The evolution of the House of People's Representatives in Rajasthan—the erstwhile Rajputana—is one of the important developments in the annals of the constitutional history of India. Rajputana consisted of twenty-two small and big Princely States. Though these princely States were declared to have been annexed to the Union of India on 15 August 1947, the process of merger and their unification became complete only in April 1949, in five phases.

In the first phase of merger, four princely States of Alwar, Bharatpur, Dholpur and Karauli formed the Matsya Union and it was inaugurated on 17th March 1948. The Cabinet of this Union was formed under the leadership of Shri Shobha Ram. The Union of Rajasthan, consisting of Banswara, Bundi, Dungarpur, Jhalawar, Kishangarh, Pratapgarh, Shahapura, Tonk and Kota, was inaugurated on 25 March 1948. The Kota State got the honour of being the capital of this Union. The Kota Naresh was appointed as the Rajpramukh and Sri Gokul Lal Asawa was appointed as the Chief Minister. But only three days after its inauguration the Maharana of Udaipur decided to join this Union which was accepted by the Government of India. The Maharana of Udaipur was appointed as Rajpramukh and the Kota Naresh was appointed as Up-Rajpramukh of this Union and the Cabinet was formed under the leadership of Shri Manikya Lal Verma. This Union was inaugurated by Pt. Jawaharlal Nehru on 18 April 1948. The formation of the Union of Rajasthan paved the way for the merger of big States like Bikaner, Jaisalmer, Jaipur and Jodhpur with the Union and formation of Greater Rajasthan. It was formally inaugurated on 30 March 1949, by Sardar Vallabh Bhai Patel. The Maharaja of Jaipur was appointed as the Maha-Rajpramukh and the Kota Naresh was appointed as the Up-

← State Legislature Building, Rajasthan.

Rajpramukh and the Cabinet was formed under the leadership of Shri Hira Lal Shastri. Matsya was merged with greater Rajasthan on 15 May 1949.

The process of the creation of a Legislative Council had started during the final phase of the formation of Rajasthan. This process continued up to the beginning of 1952. In the meantime Shri Hira Lal Shastri submitted his resignation from the Chief Ministership and the Interim Government was formed on 26 April 1951.

Though the Rajasthan Vidhan Sabha came into existence in March 1952, the people of Rajasthan had experienced some kind of a parliamentary democracy even under the princely rule. The Maharaja Ganga Singh of Bikaner was one such progressive king who made a gift of the House of Representatives to the people of Bikaner State in 1913.

Certain improvements were made in the set up of the Legislative Assembly during the year 1937. The strength of the House was raised to 51, out of which 26 members where to be elected and 25 were to be nominated. Out of the 26 members, 3 members were to be elected by the Tajimi Sardars, 10 by the State District Boards, 12 by the Municipalities and one by businessmen and industrialists. These changes were implemented in the year 1942.

The Bikaner Act No. 3 of 1947 had a provision with regard to the Legislature, consisting of Raj Sabha and Dhara Sabha. The elections for Raj Sabha and Dhara Sabha. The elections for Raj Sabha and Dhara Sabha were scheduled to be held on 28 September 1948. But on account of the decision taken by the Bikaner Praja Mandal on 8 August 1948 to boycott the elections, the enforcement of the Bikaner Act No. 3 of 1947 and constitution of Raj Sabha and Dhara Sabha thereunder was postponed.

Despite the growing political awareness amongst the people of the state, Maharaja Ummed Singh of Jodhpur had accepted the principle of people's participation in the administration, only in the 1940s and accorded his approval to the setting up of the Central and District Advisory Boards.

In view of the various reforms initiated by Maharaja Ram Singh

during the fifth decade of the nineteenth century in political, social and educational fields, the Jaipur State was considered as a progressive state. But the impact of the political activities going on in other parts of the country on the people of that State was so profound that even the creation of a Vidhan Samiti (1923), consisting of both official and non-official members, fell short of their expectation.

Maharaja Mansingh constituted a Central Advisory Board in 1939 with a view to eliciting public opinion through representatives on matters of public interest and importance. It consisted of 13 nominated members and 35 non-official members and was given the power to advise on matters relating to medical facilities, sanitation, public works, roads, wells and buildings, public education, rural upliftment, marketing, commerce and trade, etc. It was inaugurated on 18 March 1940.

The House of Representatives and the Vidhan Parishad were to be set up on 1 June, 1944 as per the Jaipur Government Act, 1944. The House of Representatives was to consist of 120 elected members and five nominated non-official members, out of a total of 145 members. And out of 51 members of the Vidhan Sabha, 37 members were to be elected and 14 were to be nominated. They were to hold office for 3 years. The Prime Minister was to be appointed as the *ex-officio* Chairman of both the Houses and senior-most Ministers of the Executive Council were to be appointed as the Deputy Chairman of the House of Representatives and the Vidhan Parishad respectively. They were to be elected on the basis of joint voters list. Seats were also reserved for Muslims. It was incumbent that a candidate taking part in the election should be a voter himself and should have the requisite qualification with regard to age, education and citizenship. The legislators had the freedom of speech and they could not be arrested during the meetings of the House.

The Vidhan Parishad had the powers to ask questions, adopt Resolutions, to present more Adjustment Motions, and to make laws. It was also given the powers to discuss the Budget and vote on it. But it was beyond its power to enact laws with regard to the Maharaja and the army of the State.

Under the pressure of changed political situation in Udaipur, a

Reforms Committee headed by Shri Gopal Singh was constituted in May 1946. The Committee consisted of all official and non-official members including five representatives of the Praja Mandal. The Committee submitted its report on 29 September 1946. It was recommended in the report that a Constituent Assembly should be constituted to prepare a Constitution for Mewar and that the Constitutent Assembly was to consist of 50 members and each member was to be elected from a constituency consisting of fifteen thousand voters. The office of the Chairman was to be held by the Maharana himself and the Vice-Chairman was to be elected by the members. The Reforms Committee of the year 1946 had also recommended to the Maharana that a responsible Government may be set up in Mewar and the Maharana may entrust his powers to that Government. But the Maharana did not accept this recommendation.

However, the Maharana had eventually to agree to the setting up of an Executive Council in October 1946, to which he appointed Shri Mohan Lal Sukhadia and Shri Hira Lal Kothari as the representatives of the Praja Mandal and Shri Raghubir Singh as the representative of the Regional Council. Besides, the Maharana declared to enforce constitutional reforms expeditiously. On 16 February 1946, in accordance with the commitment, the Maharana promised to constitute a Vidhan Sabha.

Maharana Bhopal Singh announced certain reforms on 3 March 1947. According to these reforms a Vidhan Sabha consisting of 46 elected members and some non-official members was constituted. The Vidhan Sabha was given the powers to enact laws on all such matters which had not been kept out of its jurisdiction in particular. The Vidhan Sabha was empowered under certain restrictions, to discuss and vote on the Budget. The responsibility to implement the decisions taken by the Vidhan Sabha was bestowed on Ministers.

Maharaja Ishwar Singh of Bundi set up the 'Dhara Sabha' on 18 October 1943. It consisted of 23 members out of which 12 were elected members and 11 were nominated members.

The members of the Tehsil Advisory Boards and the Town Council elected members to the 'Sabha'. The Dhara Sabha had the power to ask questions to the Government and to adopt Resolutions on matters

of Public interest. The Committee did not possess any constitutional and economic powers. Its status was not higher than that of an Advisory Committee.

The Maharaja of Banswara formed a Rajya Parishad on 3 February, 1939. All the 32 members of the Council were nominated members which included seven employees and eight 'Jagirdars'. The 'Rajya Parishad' had the power to put questions, adopt Resolutions and enforce laws with the assent of the Maharaja. The 'Diwan' of the State was the *ex-officio* Chairman of the 'Parishad'. Thereafter, in pursuance of the wishes of the Maharaja, the State Constitution Act, 1946 was implemented in order to bring changes in the organisation of the 'Parishad'. According to the provisions of this Act, out of 35 members of the Vidhan Sabha, 32 were to be elected members and 3 ministers of the State Council were to be *ex-officio* members; and the powers of the Vidhan Sabha were to be the same as that of the earlier 'Parishad'. The elections to the Vidhan Sabha were held in September 1947 in which the Praja Mandal of Banswara got the majority. The session of the Vidhan Sabha was inaugurated on 18 March 1948. It was decided to summon the Budget Session on 30 March 1948 but Banswara State got merged into the Rajasthan Union before that date. The Ajmer State was known as Ajmer-Marwar Pradesh before the commencement of the Constitution of India. After the inclusion of the Ajmer State in the First Schedule of the Constitution as category 'C' State, the Legislative Assembly was set up in May 1952 with the election of 30 members from 6 double-member and 18 single-member constituencies of the Ajmer State Legislative Assembly.

The Ajmer Legislative Assembly had Committees like the Estimates Committee, the Public Accounts Committee, the Privilege Committee, the Assurance Committee and the Petition Committee. The Ajmer Legislative Assembly met on 4, 5 and 6 April 1956 to consider the States Reorganisation Bill, 1956 and it approved the merger of the Ajmer State into the Rajasthan State on November 1956 and the members of its Legislative Assembly were duly treated as members of the first Rajasthan State Legislative Assembly for its remaining term.

STRUCTURE OF LEGISLATURE

The Rajasthan Legislative Assembly is unicameral. The number of seats in the Assembly are determined on the basis of the report of the Delimitation Commission. The first Rajasthan Legislative Assembly had a strength of 160 members and it was raised to 190 after the merger of the former Ajmer State with Rajasthan. The second and third Assembly had a strength of 176, the fourth and fifth had 184 members, and the sixth, seventh, eighth and ninth Assemblies had a strength of 200 members.

The normal tenure of the Legislative Assembly is 5 years but in the event of the Proclamation of Emergency by the President, this period may be extended by Parliament by law for a period not extending one year at a time and not exceeding in any case beyond a period of 6 months after the proclamation has ceased to operate. The dates of constitution and dissolution of the Legislative Assembly, right from the beginning till now are given in Table 1.

Table 1: Tenure of Rajasthan Legislative Assembly

S. No.	Legislative Assembly	Tenure	
		From	To
1.	First	29.3.1962	–
2.	Second	24.4.1957	1.5.1962
3.	Third	13.3.1962	28.2.1967
4.	Fourth	March, 1967	15.3.1972
5.	Fifth	20.3.1972	30.4.1977
6.	Sixth	15.6.1977	17.2.1980
7.	Seventh	6.6.1980	9.3.1985
8.	Eighth	9.3.1985	1.3.1990
9.	Ninth*	2.3.1990	–

* The Assembly has since been dissolved on 15.12.1992.

PARTIES AND MEMBERS

Parties in Legislative Assembly: The strength of different political

parties that secured representation in the Rajasthan Legislative Assembly after each General Election since 1952 is given in Table 2.

Party Whips: The Whips of the various parties keep their members within the sound of the division bell so as to enable them to rush into the House whenever any important business is under consideration. The Whips are responsible for the attendance of members at the time of division on important matters. During sessions, the Whips of different parties periodically send to their supporters 'Whips' regarding probable divisions and request them to be in the House at that time. The Whips send a list of speakers for debate and discussion of their party. They keep the members informed about the business of the House and enforce party discipline. They keep constant touch with the members in the Lobbies, etc., of the House. They work as a liaison between the leaders and the rank and file of their party. It is through the Whips that the members of a party come to know about their Leaders' views and the plans. The Whips are a channel of communication whereby one party can negotiate with the other concerning topics for debates or conduct of business in the House.

Leader of the Opposition: Among the Opposition Parties in the Rajasthan Legislative Assembly, the Leader of the party having the greatest numerical strength is recognised as the Leader of the Opposition by the Speaker of the Assembly.

In fact, the Leader of the Opposition is the spokesman of the Opposition party or parties. He can initiate debate on a vote of thanks motion and general discussion on the Budget. He can express his views on any subject at any time in the House. There is, normally no time limit for him. Whenever a controversial situation arises in the House, the Leader of the Opposition can make suggestions acceptable to the Opposition, for resolving the controversy and smooth running of the business of the House in accordance with the Agenda.

The Leader of the Opposition draws a monthly salary of Rs.4500/- and sumptuary allowance of Rs.2750/- per month. He is entitled to the allotment of a free fully furnished accommodation in Jaipur during his entire term of office. He is entitled to get a Govt. car only for use

Table 2: Party strength in successive Legislative Assemblies since 1952

	First*	Second	Third	Fourth	Fifth	Sixth	Seven**	Eighth**	Ninth**
Total Seats	160	176	176	184	184	200	200	200	200
Indian National Congress	82	119	88	89	145	–	–	–	–
Indian National Congress (O)	–	–	–	–	1	–	–	–	–
Swatantra Party	–	–	36	49	11	–	–	–	–
Bhartiya Jansangh	8	6	15	22	8	–	–	–	–
Socialist Party	1	–	5	8	4	–	–	–	–
Communist Party of India	–	1	5	1	4	1	1	–	–
Praja Socialist Party	–	1	2	–	–	–	–	–	–
Ram Rajya Parishad	24	17	3	–	–	–	–	–	–
Krishak Lok Party	7	–	–	–	–	–	–	–	–
Hindu Maha Sabha	2	–	–	–	–	–	–	–	–
Krishak Majdoor Praja Party	1	–	–	–	–	–	–	–	–
Janta Party	–	–	–	–	–	150	–	10	–
Indian National Congress (I)	–	–	–	–	–	41	133	114	50
CPI (M)	–	–	–	–	–	1	1	1	1

Bhartiya Janta Party	–	–	–	–	–	–	32	38	84
Janata (JP)	–	–	–	–	–	–	8	–	–
Congress (U)	–	–	–	–	–	–	6	–	–
Janata (S. Charan Singh) (Lok Dal)	–	–	–	–	–	–	7	27	–
Independents	34	32	22	15	11	6	12	8	9
Janata Dal	–	–	–	–	–	–	–	–	54

* Election was postponed in one constituency.

** Elections were postponed in two constituencies in the case of the Sixth, Eighth and Ninth Assemblies respectively.

in Jaipur or Rs.500/- per month as conveyance allowance. He is entitled to avail of free electricity and water facilities at his residence up to the limit of 13000 units & 35 lac liters respectively.

Qualifications for Membership: The following qualifications are necessary for the membership of the Legislative Assembly:

a) he shall be a citizen of India, and should make and subscribe before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule and duly sign it;

b) he should be not less than twenty-five years of age; and

c) should possess such other qualifications as may be subscribed in that behalf by or under any law made by Parliament.

A person is disqualified for being chosen as, and for being, a member of the House, if he:

a) holds any office of profit under the Government of India or the Government of any State, other than an office declared by the Parliament by law not to disqualify for its holders;

b) is of unsound mind and stands so declared by a competent court;

c) is an undischarged insolvent;

d) not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign state;

e) is so disqualified by or under any law made by Parliament.

According to the Rajasthan Legislative Assembly (Prevention of Disqualification) Act, 1969, a person holding the post of Public Prosecutor, or Special Public Prosecutor, an Advocate appointed to plead in case referred to for adjudication before a court, Tribunal Arbitrator or other Authority, Gram Pradhan or Pramukh as defined in the Rajasthan Panchayat Samiti and Zilla Parishad Act, 1959, is not deemed disqualified for election to the membership of the Legislative Assembly.

Oath / Affirmation: On the date fixed by the Governor for summoning

the Assembly, the elected member submits to the Secretary, certificates issued to him by the Returning Officer. The Speaker *pro tem* calls the member to make oath or affirmation in the House. But the Speaker can ask them to make oath or affirmation in the Chamber also. Normally the term of a member of the Legislative Assembly is five years.

Salary and other facilities: A member of the Legislative Assembly is entitled to a salary of Rs.1500 per month; a daily allowance of Rs.125/- per day for attending meetings of a Committee or the House or any other business connected with his duties as a member; Rs.500/- per month as electricity and water allowance; a sum of Rs.625/- per month postal facilities and a sum of Rs.1750/- per month as Fixed allowance. Besides, a member is also entitled to the following facilities:

Housing facilities: For providing residential accommodation to the members 28 Bungalows and 162 Flats are available at five different places in Jaipur city. The members can also hire private accommodation for which they are entitled to draw a house rent allowance of Rs.1000 p.m. or an amount equal to the actual monthly rent whichever is less.

Medical facilities: Like officers of the State Government, the members and their families are entitled to medical treatment.

Travel facilities: A member and any person accompanying him can travel by any class through the territory of India subject to an aggregate fare of Rs.20,000/- in a year. If a member travels by air or ship, he will be paid an amount equal to one single fare for each journey. The aggregate amount of railway fare and air fare or both shall not exceed Rs.20,000/-. Each member is provided with two non-transferable passes to travel free of charge by the buses of the Rajasthan State Road Transport Corporation within Rajasthan and outside Rajasthan where the buses ply, including deluxe and air conditioned bus services.

Telephone facilities: Free of charge telephone connections are

provided at the reception offices in the residence of members at Jaipur. A telephone allowance of Rs.1250/- p.m. is admissible to a member if he has a telephone connection in his name at his residence. During the session period a temporary public call office as well as a telegraph office is opened in the Legislative Assembly Building.

Stenographic and typing facility: Services of two typists are made available to members during session period for the work connected with the business of the Assembly.

Pension facilities: Every member who has served as a member of the Vidhan Sabha for any period upto five years, whether continuous or not is entitled to a pension of Rs.500/-; from above five years upto ten years, whether continuous or not Rs.1000/-; from above fifteen years upto twenty years, Rs.2000/-; from above twenty years upto twenty five years, Rs.2500/- and above twenty five years, Rs.3000/- per month, the maximum.

If a member dies before the expiry of his term his family members will be paid an amount per mensem equivalent to the salary which such member would have been entitled to if he had been alive.

Bank and Postal facilities: A Branch of the State Bank of Bikaner and Jaipur and a Post Office in the Legislative Assembly Annexe cater to the requirement of the members. Besides, during every session a temporary Post Office is also opened in the ground floor of the Legislative Assembly Building.

Letterheads and envelopes are provided by the Legislative Assembly Secretariat for members. Intending members can purchase the stationery at prescribed rates from the Secretariat.

Catering Services: There is a Snack-Bar in the Rajasthan Legislative Assembly House Annexe. There is also a permanent Milk-Bar of the Jaipur Milk Distribution Scheme in the north wing of the Legislative Assembly Building. Similar arrangement is available also in the Legislative Guest House.

Library, Reference & Research facilities: Library, Research and Ref-

erence Services are available to members of the Legislative Assembly to keep them well-informed on Legislative processes and day-to-day developments around.

Resignation: In the event of an elected member of the Legislative Assembly having tendered his resignation in writing to the Speaker, the Speaker informs the House of the member's resignation. If it is accepted by the Speaker, the Secretary publishes it in the Gazette, and a copy of that notification is sent to the Election Commission so as to enable the Commission to take action to fill up the seat.

Absence from House: A member desiring permission of the House to remain absent from the sittings thereof under clause (4) of Article 190 of the Constitution makes an application in writing to the Speaker. But if a member remains absent from all sittings of the House without permission for a period of 60 days then the House may declare his seat vacant.

If a member, who has been granted leave of absence under these rules, attends the session of the House during that period for which the leave of absence has been granted to him, the unexpired portion of the leave from the date of his resumed attendance shall lapse.

Sessions and Sittings: While under Article 174 of the Constitution the Governor is empowered to summon, to prorogue and to dissolve the Legislative Assembly, it is exercised on the recommendation of the Chief Minister and the Council of Ministers.

Issue of summons: The Secretary, Rajasthan Legislative Assembly, issues summons to each member individually indicating the date, time and place for the meeting of the Assembly, and causes a notification to be issued twenty-one clear days before the date so fixed. Immediately after the issue of summons, every member is supplied a printed copy of the provisional order of Business, probable Legislative Business and General information. Members are also given a copy of the latest edition of the Rules of Procedure and Conduct of Business in the Legislative Assembly, the compilation of important decisions given by the Chair, a Handbook and the revised edition of the Rajas-

than Legislative Assembly (Emoluments and Pension to the Officers and Members) Act, 1956 (Act No. 6 of 1957) and the rules made thereunder from time to time, rules regarding admission to various galleries and provisional programmes etc.

After the issue of the summons to each member, the following papers, etc. are distributed among the members in the event of the Constitution of the Legislative Assembly:

1) Rules of Procedure and conduct of Business in the Legislative Assembly (Latest edition);
2) Compilation of important decisions given by the Chair (Latest edition);
3) Handbook for members;

Emergent Sessions: There is no provisions in the Rules of Procedure and Conduct of Business for summoning an emergency and secret session of the Legislative Assembly. However, the Parliamentary procedure and precedents may be followed for this purpose.

With regard to calling of a session of the Legislative Assembly at short notice, the proviso to Rule 3 of the Rules of Procedure and Conduct of Business provide that when a session is called at short notice, the Secretary shall intimate the date, time and place for the meeting of the Assembly to members in such other manner as the Speaker may direct.

Table 3: Number of Sessions held by each successive Assembly from 1952 to April, 1992

Name of the House	Number of sessions held
First Legislative Assembly	12
Second Legislative Assembly	11
Third Legislative Assembly	10
Fourth Legislative Assembly	11
Fifth Legislative Assembly	13
Sixth Legislative Assembly	6
Seventh Legislative Assembly	9
Eighth Legislative Assembly	12
Ninth Legislative Assembly (up to April, 1992)	6

BUSINESS OF THE HOUSE

With regard to the procedure of various types of business to be transacted in the House, no separate directions have been issued in the Rajasthan Assembly. The procedure is almost in the same order as mentioned in the directions issued by the Speaker, Lok Sabha, with one exception that the precedence of obituary reference in the List of Business is after the Questions.

Order of Business: The Legislative Assembly Secretariat sends the provisional business schedule for the first week of the session approved by the Speaker to the Leader of the House for his approval and the business schedule, having obtained his approval, is sent to all members of the House. At a sitting of the Business Advisory Committee, which is held on the first or the second day of the sitting of the Assembly, the duration of the session and the dates for transaction of the Government and Private Business to be taken up during the session are decided and presented to the House. The Business is transacted in accordance with the programme decided by the House and for making any variation in it or any extension of time again the recommendations of the Business Advisory Committee are sought for.

Business Advisory Committee: All the items of business to be transacted at a sitting of the Assembly are taken up as recommended by the Business Advisory Committee and approved by the House. The duration of the sittings of the session is also recommend by the Business Advisory Committee. Though the Business Advisory Committee only makes recommendations about the duration of the sittings and the business to be taken up in the House but in accordance with a healthy convention, no amendment is moved to the recommendations and no discussion takes place and the recommendations are agreed to by the House. Therefore, the Business Advisory Committee has got an important role in allocating time for business to be transacted in the House. As a matter of fact, it has absolute authority in allocation of time.

The Business Advisory Committee consists of note more than 15 members. Members of various parties are nominated to the committee

and the Speaker is the *ex-officio* Chairman of this Committee.

The following items of business may, however, be taken up in the House without any entry in the List of Business: adjournment motion, matters of special mention, question of breach of privilege, leave of absence, statement by the Minister, introduction of Bills of a confidential nature and the consideration of the reports of Business Advisory Committee.

Private Members' Business: Under Rule 23 of the Rules of Procedure and Conduct of Business in Rajasthan Legislative Assembly, the Business Advisory Committee allots different days, as may be possible, for different types of Private Members' Business but it is essential to allot at least two days in a month.

No particular procedure has been laid down for conducting any business.

Rules of Debate: Such members who have given notice of any question, motion, resolution or amendment motion and which has been included in the List of Questions or in the List of Business after obtaining the permission of the Speaker, on being called by the Speaker may ask the question or may express views on the motion.

Keeping in view the time allotted to different parties in the order of the list of the names of the spokesmen, which is given to the Speaker by the Chief Whip and Whips of the Opposition parties, the members, on being called party-wise may make speeches on certain subjects like Motion of Thanks, general discussion on the Budget, Appropriation Bill, Cut Motions, etc. Other members who wish to speak may get a chance to speak on catching the Speaker's eye and on being permitted by him. Members can speak or make a speech ordinarily from the allotted seat.

Members cannot read out a written speech but to freshen their memory they may take help from the points prepared for the speech.

Under the Rules, interruptions in the proceedings of the House are not allowed. Circumstances of which type and upto what extent an interruption may be allowed or permitted to be reported, is, however, determined by the Speaker.

The time-limit of the speeches is determined keeping in view the time allotted for a particular subject and for the different parties.

The mover has a right of reply to the discussion to be held on the No-confidence Motion, Private Members' Resolutions, Private Members' Bill and on the presentation of Governments view point in the House. Otherwise, the right of reply is vested in the Government. Of course, members may ask questions after the Government's reply for elucidation and clarification.

The Speaker has all the powers for the purpose of maintaining order in the House and enforcing his decisions. The Speaker may direct any member, whose conduct, in his opinion, is grossly disorderly, to withdraw from the House immediately and the member so ordered in this manner shall do so forthwith and shall absent himself during the remainder of the day's sitting.

The Speaker may, if he deems necessary, name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof. If a member is so named by the Speaker, he shall forthwith put the question that the member (naming him) be suspended from the service of the House for a period not exceeding the remainder of the session.

In the case of grave disorder arising in the House, the Speaker may, if he thinks it necessary, adjourn the House or suspend any sitting for a time to be named by him.

The order to the member to withdraw from the House is given by the Speaker but for suspension of the member from the service of the House for a period not exceeding the remainder of the session, it is necessary to obtain the consent of the House.

Voting procedure: In most of the different types of matters brought before the Legislative Assembly for consideration, the decision of the House has to be obtained. For obtaining the decision, the Speaker puts the Motion in the form of a question to the House so as to enable the members to cast their votes and on the basis of votes the matter is passed or rejected, as the case may be.

In the Rajasthan Legislative Assembly the methods which are

adopted for a division are by voice vote, by raising of hands, by asking the members to stand at their seats and by sending the members into the Lobbies.

Under the method of voice vote, the Speaker puts the question and asks those in favour to say 'Ayes' and those against to say 'Noes' and then announces twice that the 'Ayes' or the 'Noes', as the case may be, have it.

If the opinion given on the basis of voice vote is not accepted by any member or members, then the Speaker first asks the members in favour of the Motion to raise their hands and writes down their number after counting. Thereafter, he asks those members who are against the Motion to raise their hands and counts them. The side in which the number of members is more for the decision on the question, for or against, is accordingly declared by the Speaker. Under this method, no record of the names of the members is maintained.

Yet another method of division available in the House is by asking members to stand at their seats. Under this method, instead of raising their hands, the members have to stand at their seats. The Speaker may adopt any one of the two methods.

If the opinion of the Speaker expressed on the basis of voice vote is challenged by any member of members and the members request that a record of the names of the members for 'Ayes' or 'Noes' should be maintained, the Speaker directs members to go into the Lobbies for the purpose of voting. Before this the Lobbies are cleared and all the doors of the House are closed so that members who are late may not vote. After the division bell is rung the division clerks who work in the Branch connected with the House, accompanied by their officers, go to the Lobbies with Division Lists. The members enter the Lobby one by one and call out their division numbers and the clerks mark off these numbers and call out their names so that mistakes, if any, may be rectified there and then. In this way after the names of all the members are marked off in the Division Lists in the 'Ayes' and 'Noes' Lobbies, their number is counted and the lists are presented to the Secretary, Legislative Assembly, who passes on the same to the Speaker who declares the motion as carried or rejected, as the case may be, after announcing the number of members as 'Ayes' and 'Noes'.

The names of those members who want to remain neutral in the voting, and desire this fact to be recorded, are recorded in the Neutral Division List and its record is maintained.

Proceedings: The Proceedings of first and second Vidhan Sabhas were published under the tittle "Authorised Proceedings of Rajasthan Vidhan Sabha". It was subsequently changed to "Proceedings of Rajasthan Vidhan Sabha".

Generally ninety nine per cent of the proceedings of the Rajasthan Vidhan Sabha are conducted in the official language which is Hindi. *However the MLAs are free to express their views in English also. On* the question of expressing one's views in a language other than Hindi, which arose in the sittings of 14 March 1963 and 20 September1977, the Chair ruled:

> "Honourable members should either speak in Hindi or in Marwari. Nobody will be able to understand Punjabi here."
>
> "There is no objection to expressing one's views in any of the Indian languages but it should be the language which most of the people here can understand."
>
> "If members are unable to deliver their speech in a language other than the one in which they are speaking, they must try to furnish Hindi translation of their speech in writing."

The proceedings of the sittings of the Vidhan Sabha are reported verbatim. In addition to it, Bulletin Part-I of Rajasthan Vidhan Sabha contains a synopsis of the proceedings based on the minutes of the proceedings, which are recorded.

The extracts of the proceedings of the Vidhan Sabha, as reported, are normally sent to the Ministers and the MLAs the next day for their approval. However, the printed copies of the proceedings are distributed only after the lapse of about one and a half years.

Speeches, etc. are printed in Hindi, English and Rajasthani languages in the proceedings of Vidhan Sabha. There is no arrangement for translation of the proceedings. In fact, the necessity thereof has not been felt so far.

PRESIDING OFFICERS

The Speaker *pro tem* is appointed by the Governor from amongst the newly elected members of the Assembly. His name is normally suggested by the Chief Minister who, in his discretion, consults the Cabinet in this regard. Normally the seniormost elected member is chosen as the Speaker *pro tem*. After his appointment, The speaker *pro tem* continues in office till the Speaker is elected. Though he enjoys all the powers of the Speaker under the Constitution, in effect he remains in the Chair for the purpose of enabling members to take their seats in the Assembly and electing the Speaker. For performance of his duties, he does not receive any pay or allowances.

The election of a Speaker of the Assembly is held on such date as may be fixed by the Governor and notified to every member by the Secretary. At any time before noon on the day preceding the date so fixed, any member may give notice in writing, addressed to the Secretary, of a motion to the effect that so and so member be chosen as the Speaker of the Assembly. Such a motion is seconded by a third member and is accompanied by a statement by the member whose name is proposed for the office of the Speaker, that he is willing to serve as Speaker, if elected.

The motions which have been moved and duly seconded are put one by one in the order in which they have been moved, and decided, if necessary, by division. If any motion is carried, without putting later motions, the Speaker *pro tem* declares that the member proposed in the motion, which has been carried, has been chosen as the Speaker.

The election of the Deputy Speaker is held in such a sitting of the Assembly as may be fixed by the Speaker and notified to every member by the Secretary. For this the conditions, terms and procedure are the same as those for the election of the Speaker.

The term of office of the Speaker is from the date of his election till the date and moment of the appointment of the Speaker *pro tem* by the Governor for administering oath or affirmation to the elected members of the next Assembly and the term of office of the Deputy Speaker extends from the date of his election till the date of the dissolution of the Assembly.

The Speaker is entitled to a salary of Rs.5,000/- per month and an entertainment allowance of Rs.3,000/- in addition to all other allowances applicable to the members of the Assembly. The Deputy Speaker is entitled to a salary of Rs.4,000/-per month and a sum of Rs.2100/-as entertainment allowance besides such other allowances as are applicable to a member of the Assembly. The presiding officers enjoy several other facilities, like free furnished accommodation, medical facilities, personal staff, staff car and guard.

The Speaker is the head of the Legislative Assembly Secretariat which functions under his control and direction. The appointments and promotions to the posts of officers of the Secretariat and disciplinary action against them, if necessary, are regulated under his orders. The Speaker has absolute authority over the precincts of the Legislative Assembly and its security.

The Speaker may, at any time, tender his resignation to the Deputy Speaker and the Deputy Speaker to the Speaker. The Speaker or the Deputy Speaker may be removed from their respective offices by a resolution passed by a majority of members of the Legislative Assembly against the Speaker or the Deputy Speaker, but such resolution cannot be moved unless fourteen days'notice has been given of the intention to move it.

Tables 4 and 5 show the names and tenure of the successive Speakers and the Deputy Speakers of the Legislative Assembly.

Table 4: Statement Showing the Names and Tenure of Speakers

Name	Tenure	
	From	To
Shri Narottam Lal Joshi	31.3.1952	25.4.1957
Shri Ram Niwas Mirdha	25.4.1957	3.5.1967
Shri Niranjan Nath Acharya	3.5.1967	20.3.1972
Shri Ram Kishore Vyas	20.3.1972	18.7.1977
Shri Lakshman Singh	18.7.1977	20.6.1979
Shri Gopal Singh	15.9.1979	7.7.1980
Shri Poonam Chand Vishnoi	7.7.1980	20.3.1985

(Continued)

Table 4: *(Continued)*

Name	Tenure From	To
Shri Hira Lal Deopura	20.3.1985	16.10.1985
Shri Giriraj Prasad Tiwari	31.1.1986	11.3.1990
Shri Hari Shankar Bhabhra	16.3.1990	–

Table 5: Statement Showing the Names and tenure of Deputy Speakers

Name	Tenure From	To
Shri Lal Singh Shaktawat	31.3.1952	31.3.1957
Shri Niranjan Nath Acharya	1.5.1957	1.3.1962
Shri Narayan Singh Masuda	7.5.1962	28.2.1967
Shri Poonam Chand Vishnoi	9.5.1967	9.7.1971
Shri Ram Narain Chaudhary	11.11.1971	15.3.1972
Shri Ram Singh Yadav	25.3.1972	30.4.1977
Shri Ram Chandra	8.9.1977	17.23.1980
Shri Ahmad Bux Sindhi	28.3.1981	14.10.1982
Shri Giriraj Prasad Tiwari	29.3.1985	31.1.1986
Shri Kishan Motwani	28.10.1986	1.3.1990
Shri Yadu Nath Singh	5.7.1990	21.3.1991
Shri Hira Singh Chauhan	25.3.1991	–

Process of Legislation: A Bill is a document concerning the policy of the Government on any subject. The Government prepares the draft of a Bill in coordination with the administrative department concerned with the policy and the Department of Law. It is the function of the State Government to prepare the draft of a Bill. The Bill, as drafted, is presented by the Government to the House. This procedure has been called in the Rules the 'Introduction of Bills.'

The essential features of a Bill are short title, long title, enacting formula, preamble and provisions relating to policy in the form of clauses. For example, in one clause, definitions of such terms are given which are considered necessary to be defined for the purpose of giving uniformity to the intended meaning of the terms. The legislative

powers that are delegated in a Bill are drafted in a separate clause. In the Bills where earlier Bills and Ordinances are repealed, a 'Repeal and Savings' clause is included.

Bills are presented to the House by the Government (through Ministers) and by other members also. The Bills introduced by the Ministers for implementation of the Government policies are called Government Bills and the Bills which are introduced by other members are called Private Members' Bills.

Bills, on the basis of their subjects, may be classified as follows:

1. Original Bills (Bills embodying new proposals, ideas or policies);
2. Amending Bills (Bills which seek to amend or revise existing Acts);
3. Consolidating Bills (Bills which seek to consolidate existing laws on particular subjects);
4. Expiring Laws (Continuance) Bills (Bills to continue an expiring Act); and
5. Bills to replace Ordinances.

For Money Bills, Finance Bills and Appropriation Bills, fulfilment of certain special conditions have been made compulsory in the Constitution and the Rules of Procedure. For the introduction of a Money Bill the sanction of the Governor is compulsory under Article 207 (1) of the Constitution. Similarly, for taking up introduction and consideration of a Finance Bill, the sanction of the Governor is compulsory. While sending the Money Bill to the Governor for authentication, the Speaker has to certify that the Bill is a Money Bill. The Money Bill and Finance Bill cannot be introduced in the Legislative Council.

There are three readings for passing a Bill. The first reading of a Bill is done by presenting a motion for taking up the Bill for consideration. In the second reading the Bill is considered clause by clause and the third reading is completed by presenting the motion for passing the Bill.

In pursuance of the provisions of the Articles of the Constitution and the Rules, it is essential to complete certain formalities for

introduction of a Bill. A Financial Bill is required to be accompanied by a Financial Memorandum. *Bills involving proposals for the delega*tion of legislative powers are required to be accompanied by a memorandum explaining such proposals are of normal or exceptional character. Each Bill shall be accompanied by a Statement of Objects and Reasons also.

For such Bills which seek to replace Ordinances, a statement of reasons for promulgation of the Ordinance shall be presented to the House. If an Ordinance embodying provisions of a Bill pending in the House is promulgated the Statement of Reasons is presented at the time of presentation of the Ordinance in the House and the Statement of Reasons of the other Ordinance is presented in the House at the time of introduction of the concerned Bill.

If the introduction of a Bill is objected to by any member then after a brief explanatory statement from the member-in-charge and from the members who have raised the objection, leave of the House shall be taken without any further debate. If the objection is to the effect that the Bill is outside the legislative competence of the Legislative Assembly, a full discussion may be permitted thereon. It is not binding on the Legislative Assembly to decide about the objection that the Bill proposed to be introduced will not be a valid Act.

After the introduction, the member-in-charge may move that the Bill be taken into consideration or be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon provided copies of the Bill have been made available to the members two days before moving such a motion.

Bills are usually referred to a Select Committee/Joint Select Committee for want of time for making an indepth study and a detailed discussion on important Bills in the House. The Select Committee considers the Bill minutely and clause by clause in the perspective of the policy implied in the Bill. The Select Committee may invite written memoranda from and take oral evidence of experts or interested persons or organisations to be affected by the Bill and ask the Government officials to explain the policy underlying the Bill. The Select Committee cannot give any suggestion beyond the Objects and Reasons of the Bill. In other words, it cannot suggest any amendment

or addition of a new clause which is beyond the *scope of the Bill. In a Bill for amending* an Act, suggestions for an amendment to only those sections of the principal Act may be given which are being amended by the Bill. If consequent upon an amendment, it becomes compulsory to amend any other section also, the suggestion to amend that section is also valid.

On the motion for consideration of a Bill, the principle of the Bill and its provisions are discussed generally but the details of the Bill are not discussed fully. On such a motion having been moved by the member-in-charge, any member may move as an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting public opinion. If a Bill is circulated to elicit public opinion, the Bill, on receipt of the public opinion, is referred to a Select Committee alongwith the public opinion and the report of the Committee on such a Bill or the reports of the Committee on other Bills which might have been referred to the Select Committee directly on being presented to the House are taken up for consideration. On the motion for consideration, the objects and the provisions of the Bill are discussed generally and no amendments are moved. After the motion for consideration is passed by the House, the Bill is taken up for consideration clause by clause.

At the time of clause by clause consideration of a Bill, amendments to the clauses are presented. Certain conditions have been laid down in the Rules for admissibility of the amendments. According to the main conditions such amendments should be relevant and within the scope of the Bill and the clause, be intelligible and grammatically correct. If the sanction of the Governor is necessary for an amendment, the amendment can be taken up for consideration only when it is accompanied by the sanction. The clauses are considered serially and the Schedule is considered after the clauses. Clause one, the Enacting formula, Preamble and the Title of a Bill are considered in the end after other clauses and schedules have been considered.

After clause by clause consideration the motion for passing the Bill is taken up for consideration. At the time of consideration of this motion, the discussion is confined to the submission or arguments either in support of or for the rejection of the Bill. If in support of the

arguments it is necessary to give details of the Bill, details may be given.

On the adoption of the motion for passing the Bill by the House, all the three readings of the Bill are deemed to have been completed.

If, after passing the Bill, any patent error is left in a Bill, the power to correct such error and to make such other changes in the Bill as are consequential upon the amendments accepted by the House, is vested in the Speaker.

The Bill as signed by the Speaker after having been passed by the House is presented to the Governor for authentication. If the Governor wants to return the Bill, as passed, to the House for reconsideration, he may do so by referring to the points for reconsideration. The Bill after having been passed again by the House, either in original form or the amended form, is returned to the Governor and on being authenticated by the Governor such a Bill becomes an Act and on being published in the Gazette comes into force on the date of its publication. The Acts amending the earlier Acts may be brought into force on such a previous date by indicating that date in the enacting formula.

Amendment of the Constitution: Under Article 368 (2) of the constitution, it is essential to get the Bill passed by the Parliament seeking to amend certain Articles of the Constitution ratified by half of the Legislative Assemblies of all the states. The Rajasthan Legislative Assembly ratified the Constitution (Second, Sixth, Seventh, Eighth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Twenty-second, Twenty-third, Twenty-fifth, Twenty-eighth, Thirty-first, Thirty-second, Thirty-sixth, Thirty-eighth, Thirty-ninth, Fortieth, Forty-second, Forty-fourth, Forty-sixth, Fifty-third, Fifty-fourth, Sixty-second (1988) and Sixty-second, 1989, Amendment) Bills.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

Questions: The question is the most effective means for obtaining information regarding the functions discharged by the Executive, the deficiency or lacuna left, the omissions and errors made, the functions

to be discharged in future, the policy matters, etc. and for indirectly having Legislature's control over the Government.

There are three categories of questions viz. (i) Starred Questions; (ii) Unstarred questions; and (iii) Short Notice questions. It is essential to give questions in the prescribed form with fourteen clear days' notice for starred and unstarred questions and shorter than ten clear days' notice for Short Notice questions.

Unatarred questions are also admitted in inter-session period. A member may give notice of not more than one unstarred question a week during an inter-session period. Reply to such a question shall invariably be sent by the Government direct to the member within a period of 15 days' with a copy of the reply to the Legislative Assembly.

It is also essential for the State Government to send replies to all the admitted questions sent to them whether these are incorporated in the list of starred/unstarred questions or not.

When the time for asking questions arrives, the Speaker calls successively each member in whose name a question appears on the List of Questions. If the member in whose name a question stands is absent, the Speaker may, at the request of any member, direct that the answer to it be given. Supplementary questions may be asked for the purpose of further elucidating any matter of fact regarding which an answer has been given. Precedence in the matter of asking supplementaries is generally given to the member who has tabled the questions. Ordinarily, not more than two supplementaries can be asked.

Half-an-Hour Discussion: For raising a discussion or for seeking elucidation on a matter of sufficient public importance arising out of an answer to a question, oral or written, the member has to give notice for half-an-hour discussion in writing to the Secretary three days in advance of the day on which he desires to raise the matter and has to briefly specify the point or points that he wishes to raise. Such a notice is also required to be accompanied by an explanatory note stating the reasons for raising the discussion and supported by the signatures of at least two members.

If a notice does not seek to revise the policy of the Government, the

notice with the permission of the Speaker, is included in the List of Business for the day on which it has been decided to be discussed.

The member who has given notice may make a brief statement. If the member giving notice is absent, any member who has supported the notice may, with the permission of the Speaker, initiate the discussion. After the reply by the concerned Minister, any member who has given prior intimation to the Speaker may be permitted to ask a question for the purpose of further elucidating of any matter of fact.

Motion of Confidence in Council of Ministers: There may be a Motion of Confidence for expressing confidence in the Council of Ministers:

Provided that if there is, a notice of a Motion expressing No-Confidence in the Council of Ministers than the Motion received, expressing confidence in the Council of Ministers, shall get precedence over the Motion of No-Confidence.

No-Confidence Motion: A member wishing to make a motion expressing want of confidence in the Council of Ministers has to give to the Secretary a written notice before the commencement of the sitting for that day on which he wants to move the motion and, after the question hour, has to ask for leave to move that motion, before the business is commenced in accordance with the List of Business. If the Speaker is of the opinion that the motion is in order, he needs the motion to the House and requests those members who are in favour of leave being granted to rise in their seats. If not less than one-fifth of the total number of members rise the Speaker declares that the leave is granted. The motion is taken up on such day, not being more than ten clear days from the date on which the leave is asked for, as he may appoint. The Speaker may allot a day or days or part of a day for the discussion of the motion and the Speaker at the appointed hour on the allotted day or the last of the allotted days forthwith put every question necessary to determine the decision of the House on the motion.

Adjournment Motions: A notice of a motion for an adjournment of the business of the House for the purpose of discussing a matter of urgent

public importance has to be given by the member to the Secretary by 9.30 a.m. on the day on which the motion is proposed to be made. A member can make only one adjournment motion at the same sitting.

The Speaker, if he gives consent and holds that the matter proposed to be discussed is in order, calls the member concerned after the question hour and before the commencement of the business included in the List of Business. The member rises in his place and asks for leave to move the adjournment of the House. If objection to leave being granted is taken, the Speaker requests those members who are in favour of leave being granted to rise in their places. If not less than one-tenth of the total number of members rise accordingly, the Speaker intimates that the leave is granted. After the leave is granted, the motion is taken up on the same day at a time appointed by the Speaker and on being satisfied that there has been adequate debate, the Speaker puts the question before the House, but if the debate is not concluded within two hours from the time at which it was commenced it automatically terminates.

In addition to the above procedure, the Speaker, after the question hour, gives his ruling on the motions received in which he refuses his consent to those motions which are not in order and refers those motions to the State Government on which he thinks it proper or necessary to obtain information from the State Government. On receipt of the information from the State Government, he refuses consent to that adjournment motion on which he is satisfied with the information received. If after studying the information he is of the opinion that a statement by the Government on the matter is necessary, he allots a day for the statement. The members concerned are given two minutes each to express their views on the rejected adjournment motions and after the statement, the members may ask questions for the purpose of elucidation or clarification.

Motion: Save insofar as is otherwise provided in the Constitution or in the Rules of Procedure and Conduct of Business, no discussion on a matter of general public interest can take place except on a motion made with the consent of the Speaker. Notice of a motion is given in writing addressed to the Secretary. Conditions for admissibility etc.

of the motion are similar to those provided in the Rules of Procedure and Conduct of business in Lok Sabha. The Secretary may, after considering the state of business in the House and in consultation with the Leader of the House allot a day or days or part of a day for the discussion of any such motion. At the appointed hour on the allotted day or the last of the allotted days, the Speaker puts every question necessary to determine the decision of the House on the original question.

Short Duration Discussion: Any member desirous of raising discussion on a matter of urgent public importance has to give notice specifying clearly and precisely the matter to be raised and it is accompanied by an explanatory note stating reasons for raising discussion on the matter in question. Such a notice should be supported by the signatures of at least two other members.

If the Speaker is satisfied, after calling for such information from the member who has given notice and from the Minister as he may consider necessary, that the matter is urgent and is of sufficient importance to be raised in the House at an early date, he may admit the notice and may allot two sittings in a week on which such matters may be taken up for discussion and allow such time for discussion not exceeding one hour at or before the end of the sitting, as he may consider appropriate in the circumstances. The member who has given notice may make a short statement and the Minister replies briefly. Any member who has previously intimated to the Speaker may be permitted to take part in the discussion. There is neither formal motion before the House nor any voting.

Calling Attention Notices: A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date. Not more than one such matter can be raised at the same sitting. In the event of more than one matter being presented for the same day, priority is given to the matter which is, in the opinion of the Speaker, more urgent and important. Such a matter is raised after the questions and before the List of Business is entered upon. The statement,

when made, is not open to debate.

Raising of a matter which is not a Point of Order: A member who wishes to bring to the notice of the House any matter which is not a Point of Order, gives notice to the Secretary in writing stating briefly the point which he wishes to raise in the House together with reasons for wishing to raise it. Permission for such a question is given after the Speaker has given his consent and at such time and the date as the Speaker may fix.

Motion of Thanks: As soon as may be, soon after the authenticated copy of the Governor's Address to the House has been laid on the Table of the House, any member selected by the Chief Minister moves a Motion expressing Thanks. The Notice of such Motion is signed by the mover and the seconder and it is sent to the Secretary through the Minister for Parliamentary Affairs.

The House, on the recommendation of the Business Advisory Committee, allots time for the discussion on the Motion of Thanks but in an unprecedented situation, the Speaker may allot such time in consultation with the Leader of the House, keeping in view the number of members of the Legislative Assembly. The Chief Minister or any other Minister, whether he has previously taken part in the discussion or not, on behalf of the Government, may explain the position of the Government at the end of the discussion.

Petitions: Petitions may be presented to the House in the prescribed form with the consent of the Speaker on a Bill which has been published before introduction or has been introduced in the House. But a petition on such a subject cannot be presented which falls within the cognizance of a court having jurisdiction in any part of India or a court of enquiry or a statutory tribunal or authority or a quasi-judicial body or a Commission; which can be raised on a substantive motion or resolution; or for which remedy is available under law and the law includes rules, regulations and sub-rules. The full name and address of every signatory to a petition should be set out therein and should be authenticated by his signature, and if illiterate, by his thumb impression. Letters, affidavits or other documents cannot ordinarily

be attached to any petition. The Speaker may refer any petition to the Committee of Petitions even if the same has not been presented to the House by any member.

At the commencement of the House, or from time to time , the Speaker nominates a Committee on Petitions consisting of not more than fifteen members.The committee examines every petition referred to it, and if the petition complies with the rules, the committee may direct that it be circulated.The committee, after taking such evidence as it deems fit , may suggest remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future.

The Committee shall meet as often as necessary to consider representations, letters and telegrams from various individuals, Associations, etc., and given direction for their disposal.

BUDGET IN LEGISLATURE

In the Parliamentary form of Government one of the important functions of the Legislature is to approve the annual financial statement or the statement of estimated receipts and expenditure for administrative and other activities of the State during a year and to control and monitor the expenditure incurred by the Executive. This function has become complex and more important because the States are now implementing welfare schemes for the society and also running public undertakings.

The Budget: In pursuance of the provisions of Article 202 of the Constitution, the Executive has to present to the Legislative Assembly an Annual Financial Statement or the Budget estimates for the income to be earned during a year and the expenditure to be incurred during a year by the Government. It has also been provided in this Article that in the annual financial statement, the expenditure charged upon the Consolidated Fund and other expenditure proposed to be met from the Consolidated Fund shall be shown separately and the expenditure on revenue account and expenditure on capital account shall also be shown separately and the Budget is prepared

accordingly in pursuance of these provisions. According to the Rules of Procedure and Conduct of Business in the Rajasthan Legislative Assembly, it is the function of the Estimates Committee to suggest the form of the Budget.

Under Rule 140 (4) of the Rules of Procedure, it has been provided that the Budget shall be presented to the House in such form as the Finance Minister may settle after considering the suggestions of the Estimates Committee. In the Budget, Demands for grants are presented for the expenditure of one or more than one Department either separately or conjointly. Each demand contains first a statement of the grant proposed and then a statement of the detailed estimate under each grant divided into items. In this statement the charged expenditure is shown separately, and the capital expenditure and the revenue expenditure are also shown separately. Budget is presented in several parts. In the first part, the total income is shown item wise in consolidated form and in the same manner the expenditure to be incurred under each grant is shown in an integrated form according to the grants. In the second and third parts, a detailed statement of the revenue account and capital expenditure, public debts, loans and advances, contingency fund, public account and new expenditure are given under main heads of expenditure respectively.

The date of presentation of the Budget in the Legislative Assembly is determined by the Governor and this date usually falls in the first week of March. In the concluding year of the term of a Legislative Assembly, a full Budget is not presented. Therefore, either vote-on-account is presented before the dissolution of the Legislative Assembly or if the financial year is not completed before the general elections, the vote on account is taken on the constitution of the new Legislative Assembly and the Budget is presented in the elected Legislative Assembly. In the middle of a year, Supplementary Demands for Grants are presented as per requirement on the recommendation of the Governor.

From the subsequent day or after one or two days of presenting the Budget a general discussion is held on the Budget usually for four days. During the general discussion, the proposed financial policies, financial shortcomings of the State and tax structure are discussed

and a reply to the discussion is given by the Finance Minister in which clarification on the points raised is given. After the reply no motion is moved for voting.

The order of the Demands for Grants of the Budget for discussion in the House is determined by the Leader of the House on the recommendation of the Business Advisory Committee and usually a period of 10 days is earmarked for discussing certain demands and the remaining demands are submitted to the vote by using guillotine on the last day allotted for discussing the demands. On the day allotted for discussion on a particular demand only those matters can be discussed which have been mentioned in that demand and the members may move cut motions on that demand only. Cut motions are of three types, namely, (i) the Disapproval of Policy cut; (ii) the Economy cut; and (iii) the Token cut.

In the first form of cut motion, the policy is disapproved and alternate policy is suggested. In the second form, it is suggested as to how the economy can be effected whereas the third form of cut motion is moved to ventilate a grievance.

Annual reports of various Departments are distributed among the members during the period of each Budget session through which the members get information regarding the functions discharged and work done by the different Departments during the year. All these reports are not received prior to the Budget session. These are, however, usually distributed by the Department concerned before discussion is held on the Demand for Grants of the concerned Department. These reports are not presented to the House.

Usually a period of 16 days is allotted for consideration in the House for the whole process of passing the Budget. The House sits late on those days on which the demands are discussed.

LEGISLATURE COMMITTEES

Under the provisions in the Constitution of India, although the Executive is responsible to the Legislature, yet it is not possible for the Legislative Assembly to examine in detail the functions of the

Executive. Therefore, the Legislative Assembly exercises its control over the Government through its nominated or elected Committees. Parliamentary Committees can be divided into two categories: *Ad hoc* Committees, and the Standing Committees and their *Ad hoc* Committees.

Among the Standing Committees are the three financial committees: the Committee on Public Accounts, the Estimates Committee 'A', the Estimates Committee 'B', and the Committee on Public Undertakings.

Public Accounts Committee: The Public Accounts Committee consists of not more than 15 members elected from amongst its members according to the principle of proportional representation by means of single transferable vote. The term of office of members of the Committee does not exceed one year. The Chairman of the Committee is appointed by the Speaker from amongst the members of the Committee. No Minister can be a member of the Committee.

The Committee examines the Accounts showing the appropriation of sums granted by the House for the expenditure of the state, finance accounts of the state and such other accounts as the Committee may deem fit. It also examines the money shown in the accounts as having been disbursed were legally available to the service or purpose to which they have been applied or charged, that the expenditure confirms to the authority which governs it, and that every reappropriation has been made in accordance with the provisions made in this behalf under rules framed by the competent authority. If any money has been spent on any service during the financial year in excess of the amount granted by the Legislative Assembly, for that purpose, the Committee may examine the factors responsible for such excess expenditure in each case.

Estimates Committee: There are two Estimates Committee in the Rajasthan Legislative Assembly: namely the Estimates Committee 'A' and the Estimates Committee 'B': and the various departments of the Government are divided between them. Not more than 15 members constitute these Committees and the Chairman is appointed by the Speaker from among the members of the Committee. The tenure

of the Committee is one year.

The Committee examines the estimates of the various Ministries/Departments and suggests what economies, improvements in organisation and efficiency or administrative reforms consistent with the policy underlying the estimates may be effected. It examines whether the money is well laid out within the limits of the policy implied in the estimates. It may also suggest alternative policies in order to bring about efficiency and economy in administration.

Public Undertakings Committee: The Committee on Public Undertakings is composed of 15 members elected every year by the House from amongst its members. The Chairman is appointed by the Speaker.

The functions of the Committee include the examination of the reports and accounts of the Public Undertakings; and to examine the report of the Comptroller and Auditor-General on Public Undertakings, and to examine in the context of the autonomy and efficiency of the Public Undertakings, whether the affairs of the Public Undertakings are being managed in accordance with sound principles of business and prudent commercial practices.

Normally, the reports of these Committees are presented to the House by the Chairman of the Committees but when the House is not in session and the Committee has finalised its report, the Chairman may submit the report to the Speaker.

Besides the above mentioned Standing Committees, the Assembly has the following Committees which are being nominated by the Speaker.

1. Committee on Subordinate Legislation
2. Committee on the Welfare of Scheduled Tribes
3. Committee on the Welfare of Scheduled Castes
4. Business Advisory Committee
5. House Committee
6. Rules Committee
7. Library Committee

8. Committee on Petitions
9. Committee on Privileges
10. Committee on Government Assurances
11. General Purposes Committee
12. Question and Reference Committee
13. Women and Children Welfare Committee

All the above Committees consist of not more than 15 members including the Chairman except the Library Committee which consists of not more than 10 members including the Chairman.

These Committees are constituted from amongst the members of the Ruling and Opposition parties selected and nominated by the Speaker. The term of office of the members is not more than one year. But if a member, after his nomination to the Committee, is appointed a Minister, he ceases to be a member of the Committee from the date of such appointment. This provision does not apply in the case of the Leader of the House, who may be the Chief Minister also, as far as the Business Advisory Committee is concerned.

Select Committee: It is an *ad hoc* Committee. The procedure for constituting a Select Committee and submission of report by it after consideration of a Bill conforms to that prevailing in Parliament. After the first reading of a Bill, the member-in-charge or the Minister-in-charge of the Bill moves a motion to the effect that the Bill be referred to a Select Committee constituted by the members of the House with instructions to present its report to the House within a stipulated period. The Minister-in-charge of the Bill is made the Chairman of the Select Committee.

Parliamentary Consultative Committees: The Speaker, in consultation with the Leader of the House, may constitute as many Parliamentary Consultative Committees in respect of any department or any group of departments of the State Government, as he deems fit, which shall consist exclusively of the members of the Legislative Assembly. A Minister or a Minister of State having independent charge of any Department/Departments is appointed the Chairman

of each Parliamentary Consultative Committee. Parliamentary Consultative Committees are constituted in the beginning of the term of the Legislative Assembly, but the Speaker, after consultation with the Leader of the House, may reconstitute any of these Committees whenever he deems it necessary.

Parliamentary Consultative Committees act as links between the members of Legislature and the State Government and make available to the members from the State Government such information in regard to policy, programmes, schemes, performance, achievements, working and expenditure of the concerned department/departments as they may seek and work as a forum for consultations and exchange of views.

Normally, the meetings of consultative Committees are held on the day or days on which there is no sitting of the House, though at the instance of the Chairman, the meeting of a Committee can be held even on the day of the sitting of the House. In any case, the meeting of every Parliamentary Consultative Committee is held at least once in every two months between the period from the date on which the Legislative Assembly adjourns *sine die* and the date of commencement of the next sitting of the Assembly. Any of the proceedings of the deliberations of the Committee are not to be referred to by the members or the Chairman in the House.

LEGISLATIVE PRIVILEGES

The main privileges of members, the Legislature and its Committees are as follows:

- Immunity from proceedings in any court in respect of speeches made and votes given in the Legislative Assembly and its Committee.
- Immunity from proceedings in any court in respect of authorised publications, reports and papers relating to the House and the Committees thereof;
- The Legislative Assembly and the Committees thereof shall have those privileges and immunities existing prior to the enforcement

of the Constitution (42nd Amendment Act, 1978)

— Immunity from arrest of members in civil cases during the continuance of the session of the Vidhan Sabha and forty days before its commencement and forty days after its conclusion.

— Exemption of members from liability to serve as jurors.

— Immunity to a person from proceedings, civil or criminal , in a newspaper of a substantially true report of any proceedings of either House of State Legislature, unless the publication is proved to have been made with malice.

— Right to receive immediate information of the arrest, detention, conviction, imprisonment and release of a member.

— Exemption of a member of the Legislative Assembly from service of legal process and arrest within the precincts of the House.

— prohibition of disclosure of the proceedings or decisions of a secret sitting of the Legislative Assembly.

— Members or officers of the Legislative Assembly cannot be compelled to give evidence or to produce documents in courts of law, relating to the proceedings of the House without the permission of the House.

— Members or officers of the Vidhan Sabha cannot be compelled to attend as witness before the other House of State Legislature or a committee thereof without the permission of Legislative Assembly.

— Privilege to commit a person including members for breach of privilege or contempt of the Vidhan Sabha.

— Power of the Legislative Assembly to call for witnesses and to send for papers and records.

— Power of the Legislative Assembly to prohibit the publication of its proceedings and to exclude strangers.

— Disobedience to orders of the House or its Committees.

— Unbecoming behaviour before the House or its Committees.

— Wilful presentation of false and distorted facts to the House or its Committee.

- Publication of those portions of the proceedings of the House which have been expunged.
- False or distorted publication of the proceedings of the House.
- The premature publication of reports, proceedings or any other documents of the committee of the House.
- The premature publication of various matters relating to the proceedings of the House.
- Obstructing the members from participating in the proceedings of the Legislative Assembly or its Committees pressurising or influencing them by adopting any unfair means.
- Obstruction or victimising members and witnesses.
- Making derogatory speeches or publication of articles in respect of the House, its Committees or speeches of the members of the House.

The Speaker decides whether the question of privilege notice given by a member *prima facie* involves a breach of privilege. Two conditions for the admissibility of such a question have been laid down in the Rules of Procedure. The first condition is that it should relate to a specific matter of recent occurrence and secondly, it should require the intervention of the House.

After the Speaker has given his consent to the raising of such a matter, the member, who has given the notice is allowed to raise it in the House and while raising the matter, the member concerned can make only a short statement. If objection to leave being granted is taken, the Speaker requests those members who are in favour of leave being granted to rise in their places and if not less than 10 members rise accordingly, it is deemed that the House has granted the leave to raise the matter. After leave is granted, the House either considers the question or refers it to the Committee of Privileges. If the House itself disposes of the matter, further action is taken in accordance with the decision of the House. But if the matter is referred to the Committee, the report presented by the Committee is considered by the House and a decision thereon is taken, followed by further action as per the decision of the House.

The Speaker, if he thinks fit, may *suo motu* refer any question of privilege to the Committee of Privileges for examination, investigation and report. If the question of privileges relates to any member or any newspaper, the admissibility thereof is decided after obtaining the explanation from the member or the editor of the newspaper, as the case may be. The question of privilege against any M.L.A. or M.P. is considered and decided by the concerned Legislative Assembly or Parliament.

The Committee of Privileges: The Committee of Privileges is constituted by the Speaker. The term of office of the Committee is not fixed. It continues to be in office till it is reconstituted or the Legislative Assembly is dissolved, whichever is earlier. It consists of not more than 15 members.

When a question of privilege is referred to the Privileges Committee, it asks the person against whom it has been raised to submit an explanation in writing and records his evidence also. The Committee may, under directions from the Speaker, also permit such a person to present his case through an advocate. If while referring the matter to the Committee, no time-limit is fixed for presentation of the report, the Committee has to present its report by the last day of the first week of the next session and if the matter was *suo motu* referred to the Committee by the Speaker the report has to be presented within six months. The time-limits for presentation of report can be extended if so desired by the Committee.

Legislative privileges and Courts: The Constitution empowers the High Courts and the Supreme Court to issue writ of *Habeas Corpus* in respect of persons committed by the Legislative Assembly for breach of privilege. The Legislatures are the sole authority to judge as to whether or not there has been a breach of privilege in a particular case. The Allahabad High Court has ruled that the courts of law have no right to scrutinise the proceedings of the Legislative Assemblies under Article 212 of the Constitution.

In Rajasthan, there has been no dispute worth mentioning between the Judiciary and the Legislative Assembly on any question of privilege.

SERVICING OF LEGISLATURE

The Secretary: The head of the Rajasthan Legislative Assembly Secretariat is the Secretary who is appointed by the Speaker with the approval of the Governor. This appointment can be made by direct recruitment or by deputation or by transfer of an officer of Rajasthan Higher Judicial Services, Selection Scale. In case of direct recruitment to the post, the candidate must be a law graduate and must be a practising advocate/Pleader of at least ten years' standing and should not be of more than 40 years of age at the time of appointment. He should be particularly conversant with the practice and procedure of a Legislative Assembly/Council of any State in India or of Parliament of India, and must have good knowledge of Constitutional Law. Selection in this case shall be made by a Committee consisting of Speaker, Deputy Speaker and one more person to be nominated by the Speaker. If need be, the Speaker may cause an examination/test to be conducted for judging suitability of the candidates for the post. The syllabus for the examination/test shall be as may be prescribed by the Speaker.

For the purpose of the administration of the Legislative Assembly Secretariat, the Secretary has been empowered to exercise all the powers of a Secretary to the Government, both financial and administrative, that have been or hereafter conferred by the State Government, or such power as delegated to him by the Speaker under The Rajasthan Legislative Assembly Secretariat (Recruitment and Conditions of Service) Rules, 1992.

The post in the Legislative Assembly Secretariat can be created only with the approval of the Finance Department.

The Secretary has the power to take disciplinary action against the members of subordinate, ministerial and Class IV establishment. In the case of Secretary, Special Secretary and other Gazetted Officers the disciplinary control and punishment power vests in the Speaker.

The main function of the Secretary is to issue the order of the Governor summoning the session of the Legislative Assembly. The newly elected members, after taking oath or making affirmation, sign the Roll of members in the presence of the Secretary.

The Secretary communicates to the members the date of elections

of the Speaker and the Deputy Speaker. He acts as an adviser to the Speaker and in this capacity he furnishes the relevant information about the points of order that can possibly be raised during th proceedings of the House and suggests solutions thereto. One of the important functions of the Secretary is to advise without delay on the rules and the well-established traditions on the points of order raised and on other problems which arise during the sittings of the House in accordance with the Constitution.

The notice as required under the Rules of Procedure are addressed to the Secretary. The Secretary advises the Speaker in regard to the admissibility of various motions and also improves the language used in them wherever necessary. The Secretary decides the order of the items of business to be transacted in the House and incorporates them in the List of Business for the day. He also provides through the Bulletins the general information to members about the business of the House and its Committee. The Lists of various amendments and cut motions are also issued by the Secretary.

The authenticated copy of the Address of the Governor and the copies of the Bills passed by the Legislative Assembly and assented to by the President or the Governor are laid on the Table of the House by the Secretary. The petitions received are also reported to the House by the Secretary. In the absence of the Speaker, the Secretary also authenticates Bills passed by the Legislative Assembly. In the absence of the Chairman of any Committee of the Legislative Assembly, the Secretary can also fix the date for the sitting of that Committee.

To prepare the official report of the proceedings of the Legislative Assembly and the report of the Committees and to get them printed are also the responsibilities of the Secretary. All the documents, records and papers of the Legislative Assembly Secretariat are kept in the custody of the Secretary and these can be taken out of the Secretariat only with his permission.

When any member tenders his resignation from his seat in the House and the same is accepted, the Secretary causes the information to be published in the Gazette and the members are accordingly informed through Bulletins. Whenever the seat of any member falls vacant, the Secretary informs the Election Commission about it.

The Secretary, Legislative Assembly, is also an *ex-officio* and honorary Secretary and the Treasurer of the Rajasthan Branch of the Commonwealth Parliamentary Association.

There is no fixed term for the office of Secretary, Legislative Assembly, and he holds office during the pleasure of the Speaker. Like all other officers of the State Government, his maximum retirement age is 58 years and his status is equivalent to that of other administrative Secretaries of the State.

All the persons appointed so far against the post of Secretary of the Legislative Assembly have been the officers of the higher judicial service cadre and all of them have been on deputation. Table 6 gives the tenure of successive Secretaries of the Rajasthan Legislative Assembly.

Table 6: Successive Heads of the Legislative Assembly Secretariat

S. No.	Name	Tenure	
		Name	To
1.	Shri Manasha Ram Purohit	18.2.1952	13.8.1957
2.	Shri Dharmendra Parihar	14.8.1957	19.11.1957
3.	Shri Anop Singh	1.12.1959	20.7.1966
4.	Shri Sohan Nath Modi	20.7.1966	24.9.1967
5.	Shri B.K.D. Baijal	7.10.1967	31.5.1971
6.	Shri Suresh H. Mathur	7.8.1971	11.2.1974
7.	Shri Ramji Lal Gupta	12.2.1974	31.8.1976
8.	Shri Gopal Krishan Sharma	11.9.1976	7.7.1979
9.	Shri Navin Chandra Sharma	7.7.1979	6.2.1981
10.	Shri Pyare Mohan	7.2.1981	2.2.1983
11.	Shri Pritam Adhar Sinha	3.2.1983	26.9.1985
12.	Shri N.L. Chhangani	28.9.1985	16.7.1988
13.	Shri Dinesh Chandra Dalela	17.7.1988	10.4.1990
14.	Shri Pyare Mohan	28.4.1990	1.9.1990
15.	Shri N.L. Chhangani	22.9.1990	–

The Secretariat: The Legislative Assembly Secretariat was first set up on 19 March 1952 with four branches like the Legislative Branch,

the General Branch, the Notice and Distribution Branch and the Report Branch to attend to various items of work. The work of the present Secretariat is divided under the following broad heads on a functional basis.

1. Legislative Branch
2. Question Branch
3. Table Office Branch connected with the Business of the House
4. General Branch (Including Members' Services)
5. Reporting and Editorial Branch
6. Accounts Branch
7. Security Branch
8. Establishment Branch
9. Library, Research and Reference Branch
10. Branches dealing with the work relating to various Committees of the House

Library, Reference and Research Branch: The Library, Reference and Research Service Branch of Rajasthan Legislative Assembly has two main sections. One is the Library including Library Committee work and the second is the Reference and Research Section.

The main function of the library section is to collect, arrange and index the literature and to make it available to the honourable members and others as and when required by them. This section also provides free photo-copying facilities to them on demand. The Reference and Research Section prepares and maintains the background notes, Reference files and newspaper clippings on current topics. This section also provide information on various topics which helps the honourable members in discharging their duties in the House and Committee meetings efficiently and effectively.

The LRRS Branch has many publication to its credit including *Who's Who* of the members of Vidhan Sabha, *'Rajasthan Vidhan Sabha in figures,' Digest of Acts* and *Hand Book for Members.*

The Rajasthan Vidhan Sabha Secretariat enjoys an autonomous

status but for creation of posts of employees and officers in the Secretariat it has to depend on the State Government. There is a separate Secretariat of the Assembly under the superintendence and control of the Speaker. In exercise of the powers conferred by clause (3) of Article 187 of the Constitution of India, the Governor of the State of Rajasthan has framed rules, in consultation with the Speaker, in February 1992 and under these rules a good measure of independence has been secured for the staff of the Assembly Secretariat. In case of variation of option between the Legislature Secretariat and the Finance Department on any financial proposal, either for creation of posts or otherwise, a provision has been made for a Special Board consisting of the Chief Minister, the Speaker, the Deputy Speaker, the Minister for Parliamentary Affairs and the Finance Minister. The decision of this Special Board would be final. The system of having a link Department has also been done away with and under rule 21, the Secretary of the Legislature has been given all the powers exercised by a Secretary to the Government.

SIKKIM

ORIGIN AND GROWTH

Sikkim became the 22nd State of India vide Constitution 36th Amendment Act, 1975. The Act provides that the Legislative Assembly of Sikkim shall consist of not less than thirty members and that "the Assembly of Sikkim formed as a result of the elections held in Sikkim in April, 1974 with thirty-two members elected in the said elections hereinafter referred to as the sitting members, shall be the Legislative Assembly of the State of Sikkim duly constituted under this Constitution". It further provides that "Parliament may, for the purpose of protecting the rights and interests of the different sections of the population of Sikkim, make provision for the number of seats in the Legislative Assembly of the State of Sikkim which may be filled by candidates belonging to such sections and for the denomination of the Assembly Constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly of the State of Sikkim".

The history of the Legislature in Sikkim can be traced to the 1890s. An effort to introduce a rudimentary system of government on modern lines was made during the time of J.C. White, the first Political Officer. An Advisory Council with nominated members was constituted to aid and advise the Maharaja. The meeting of the Council was not held at any fixed intervals. The members were nominated mainly from the Kazis and other landlord classes and from both Bhutia, Lepcha and Nepali ethnic groups. In the late 1930s, however, the membership of the Council increased. A definite system of organisation and functions had developed by 1935-36. The Council consisted of nine members during this period. It was deemed to have represented all interests, all castes and creeds in Sikkim. It met thrice a year and discussed the Budget which went through the Council for final approval of the

– State Legislature Building, Sikkim.

Maharaja. It was the ruler's prerogative to pass any order independent of the Council. Special session of the Council could be convened any time for urgent affairs.

The demand for reforms was growing during the 1940s. As a result of an agitation in 1949, an Indian Officer was appointed as the Dewan and the principle of progressive participation of people in the Government was accepted. An Advisory Committee composed of members nominated from all major political parties under the Presidency of the Dewan was formed. An all-party agreement was reached in May 1951. In March 1953, a Constitutional proclamation was issued by the Maharaja embodying the composition and powers of the State Council. According to the proclamation the State Council was composed of twelve elected members of which six were Sikkimese Nepalese. Apart from these, five members were nominated by the Maharaja at his discretion.

As regards the powers and functions of the State Council, it was stated that subject to the assent of the Maharaja, the Council would have powers to enact laws for the peace, order and good government of Sikkim. The Council could not take into consideration any matter enumerated as reserved subjects without the prior approval of the Maharaja.

Structure of Legislature: Sikkim became the 22nd State of India in 1975. The Sikkim Assembly, formed through the election held in 1974 with 32 members, were deemed to be members of the first Legislative Assembly of Sikkim duly elected under the Constitution of India. Out of the total 32 seats, 15 seats were reserved for Nepalese of Sikkimese origin, 15 seats for Bhutia-Lepcha, one seat for Scheduled Caste and one seat for Sangha. However, the Representation of the People (Amendment) Act, 1979 abolished the reserved seats for Nepalese of Sikkimese origin.

The second Assembly was constituted in 1979, the third in 1985, and the fourth in 1989.

Leader of the Opposition: There was no recognised opposition party in Sikkim Legislative Assembly in the beginning. In 1977, the Nar Bahadur Khatiwada group broke away from the ruling party and

formed the Sikkim Prajatantra Congress. The then Speaker recognised it as an opposition party. In the Second Legislative Assembly the Opposition Party, the Sikkim Congress (Revolutionary), was not recognised as an opposition party as it did not fulfil the requirement under the rules. In the present Legislative Assembly, only one member belonging to the Congress (I) and one Independent member constitute the Opposition front. Hence there is no recognised Leader of the Opposition in the present Assembly.

Oath/affirmation: A member who has not already made and subscribed an oath or affirmation, in pursuance of Article 188 of the Constitution, may do so at the commencement of a sitting of the House, or at any other time of the sitting of the House, as the Speaker may direct, on any day after giving previous notice in writing to the Secretary.

Salary and other facilities of members: Each member of the Sikkim Legislative Assembly is entitled to receive a salary of Rs.1,000/- and a consolidated allowance of Rs.500/- per month for his travelling and other expenses including the expenses necessary for attending the meeting of the Assembly or a Committee. Every member is provided with a free non-transferable first class pass for travelling by railway from and to any place in India for a distance not exceeding 8,000 kilometres in the aggregate in any financial year and also a free non-transferable pass for travelling within the State of Sikkim by any transport service vehicle owned, controlled and managed by the Government. Besides, a member is also entitled to the following facilities.

a) *Housing facilities:* The house rent facilities are not available to the members. However, a member can rent a room in the State Legislators' Hostel during the Assembly sessions or business connected with his duties as a member.

b) *Medical facilities:* A member is entitled to such medical facilities as are admissible to a Class I Officer of the Sikkim Government.

c) *Telephone facilities:* The telephones provided in the State Legislators' Hotel are for the use of members. Members are entitled to use the telephone free of charge for local calls.

d) *Stenographic and typing facility:* Limited secretarial assistance to the members is also provided by the Sikkim Legislative Assembly Secretariat.

e) *Research, Reference and Library facilities:* The Library, Reference and Research Service of the Secretariat is designed to keep the members well informed on various legislative proposals and other matters of legislative interest at home and abroad.

f) *Pension:* A pension of Rs.300/- per month is paid to every person who has been a member of the Sikkim Legislative Assembly for five years.

Resignation: Rule 167 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly provided that a member who desires to resign his seat in the House intimates in writing under his hand addressed to the Speaker his intention to resign his seat in the House and he is not to give any reason for his resignation.

Absence from House: The procedure for asking for leave of absence is laid down in the Rules of Procedure and Conduct of Business (Rule 169). A member desiring permission of the House of remain absent from the sitting thereof under clause (4) of Article 190 of the Constitution makes an application in writing to the Speaker. It specifies the period for which leave of absence is required, indicating also the date of commencement and of termination of such leave of absence and the grounds for it. The leave of absence applied for at any one time does not exceed a period of sixty days.

SESSIONS AND SITTINGS

The power to summon, prorogue and dissolve the Legislative Assembly is vested in the Governor of Sikkim. But it is in practice exercised on the recommendation of the Council of Ministers headed by the Chief Minister.

Issue of Summons: Rule 3 provides that whenever it appears to the Governor that the Assembly should be summoned, he causes a notification to be published in the Gazette, appointing the day, hour and place for a meeting of the Assembly and the Secretary, Legislative Assembly, accordingly sends to each member summons to attend the meeting.

Emergent Sessions: When a session is to be called at short notice or emergently summons may not be issued to each member separately but an announcement of the date and place of the session is published in the Gazette and members may be informed by telegram and by such other mode as the Speaker thinks fit.

BUSINESS OF THE HOUSE

Legislative business is divided into two broad headings: Government Business and Private Members' Business. On days allotted for the transaction of Government business, such business has precedence and the Secretary arranges that business in such order as the Speaker may, after consultation with the Leader of the House, determine.

Business Advisory Committee: At the commencement of the House or from time to time, as the case may be, the Speaker may nominate a Committee called the Business Advisory Committee consisting of not more than five members. The Speaker and the Deputy Speaker are the *ex-officio* members of the Committee and the former also the *ex-officio* Chairman of the Committee.

The main function of the Committee is to recommend the time that should be allotted for the discussion of the stage or stages of such Government Bills or other Government business as the Speaker, in consultation with the leader of the House, may determine for being referred to the Committee. The Committee also discharges such other functions as may be assigned to it by the Speaker from time to time.

Private Members' Business: Rule 29 deals with Private Members' Business. The Speaker, after considering the state of business of the Assembly, allots as many days as may in his opinion be possible,

compatible with public interest, for the transaction of business of Private Members' Business in the Assembly and may allot different days for the disposal of different classes of such business and on the day so allotted for any particular class of business, business of that class has precedence.

The relative precedence of notices of Bills and resolutions given by private members, from time to time, is determined by ballot or in such other manner as the Speaker may direct.

Rules of Debate: If a member desires to make any observations on any matter or speak on any motion before the House, he has to rise in his place and address the Speaker. A member, while speaking should not refer to any matter of fact on which a judicial decision is pending; make a personal charge against a member; use offensive expressions about the conduct of proceedings of the House, Parliament or Legislature of any State or Union Territory; reflect on any determination of the House except on a motion for rescinding it; reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms; use the President's or a Governor's name for the purpose of influencing the debate, utter treasonable, seditious or defamatory words and use his right of speech for the purpose of obstructing the business of the House.

A private member may not read his Speech but may refresh his memory by reference to notes.

Rule 306 (i) provides that the speaker may fix a time limit for the conclusion of discussion on any stage or all stages of the Bill or the motion, as the case may be.

The Presiding Officer has the authority to enforce the rules of debate or order in the House.

Voting procedure: The most common method of ascertaining the views of the House on any matter is by a voice vote. On the conclusion of a debate, the Speaker puts the question and invites those who are in favour of the motion to say "Aye" and those against the motion to say "No", and then announces twice that the "Ayes" or the "Noes", as the case may be, have it.

If the opinion of the Speaker as to the decision of a question is challenged, he orders Division by distribution of 'Aye' and 'No' slips. Thereupon each member is supplied with an 'Aye' or 'No' slip, according to the choice indicated by him. A member records his vote on the slip by signing his name. After the members have recorded their votes, the 'Aye' and 'No' slips are collected and brought to the table where the votes are counted by the officers at the table and the totals of 'Ayes' and 'Noes' presented to the Speaker.

The result of the Division is announced by the Speaker and it is not to be challenged.

Proceedings: Rule 38 says that the business of the Assembly is transacted in the official languages of the State of Sikkim or in Hindi or in English.

PRESIDING OFFICERS

The Presiding Officer of the Legislative Assembly is called the Speaker. In his absence the Deputy Speaker presides over the sittings of the Assembly. Rules 7 and 8 relate to the procedure of election of the Speaker and the Deputy Speaker respectively.

Rule 7(1) says that when at the beginning of the new Assembly or owing to a vacancy in the office of the Speaker, the election of a Speaker is necessary, the Governor fixes a date for the holding of the election, and the Secretary sends to every member notice of the date so fixed.

At any time before 1 p.m. on the working day preceding the date so fixed, any member may nominate another member for election, delivering in person to the Secretary either by the candidate himself or through his proposer and seconder, a nomination paper signed by himself as proposer and by a third member as seconder stating the name of the member nominated, and that the proposer has ascertained that such member is willing to serve as Speaker, if elected.

In case of a new Assembly, the person appointed by the Governor to perform the duties of the office of Speaker pending the election of a Speaker and in any other case the Deputy Speaker or other person

presiding, reads out to the Assembly the names of the members who have been duly nominated together with those of the proposers and seconders and if only one member has been so nominated, declares that member to be elected. If more than one member has been so nominated, the Assembly proceeds to elect a Speaker by ballot and in case of two candidates, the candidate obtaining the larger number of votes is declared elected.

Where more than two candidates have been nominated and at the first ballot (a) one of such candidates obtains more votes than the aggregate votes obtained by the other candidates, he is declared elected; (b) if no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes is to be excluded from the election and the balloting proceeds, the candidate obtaining the smallest number of votes at each ballot being excluded from election, until one candidate obtains more votes than the remaining candidates or than the aggregate votes of the remaining candidates, as the case may be.

When either at the beginning of a new Assembly or owing to the existence of any vacancy in the office of a Deputy Speaker at any time during the life of an Assembly, the election of a Deputy Speaker is necessary, the Governor fixes a day for the holding of the election and the Secretary sends to every member notice of the date so fixed. The procedure of election for the Deputy Speaker is the same as that of the Speaker.

The Speaker nominates from amongst the members a panel of not more than three Chairmen at the commencement of the Assembly or from time to time, as the case may be, to preside over the House in the absence of the Speaker and the Deputy Speaker. A Chairman so nominated holds office until a new panel of Chairmen is nominated.

The Speaker and the Deputy Speaker are entitled to a salary of Rs.3,500/- and Rs.3,000/- per month, respectively and a sumptuary allowance of Rs.500/- per month and such travelling and daily allowances as admissible to a Cabinet Minister, namely, Rs.80/- per day and Rs.70/- for the Deputy Speaker in respect of tours undertaken within India. The Speaker and the Deputy Speaker are allowed the same travelling allowances and daily allowances for tours outside

India as are given to a Cabinet Minister. They are also entitled to a furnished residence throughout their term of office without payment of rent and for a month after they cease to hold such offices. The Speaker and the Deputy Speaker are provided with a car and a jeep. The cost of fuel, maintenance and repairs of the vehicles are borne by the Government. They are also entitled to free medical facilities in any of the Government hospitals of the State and also such other medical facilities as may be prescribed.

The Office of the Speaker is one of great prestige and authority. He represents the collective voice of the House. It is through the Speaker that the decisions of the House are communicated to outside individuals and authorities. The Committees of the House function under his overall directions. His authority over the Assembly Secretariat staff is supreme.

Any resolution to remove the Speaker or the Deputy Speaker from Office, of which at least fourteen days' notice as required under Article 179 of the Constitution has been given in writing to the Secretary, is read to the Assembly by the person presiding, who then requests the members who are in favour of leave being granted to move the resolution to rise in their places, and if not less than six members of the House rise accordingly, the person presiding allows the resolution to be moved. If less than six members of the House rise, the person presiding informs the member who may have given the notice, that he has not the leave of the Assembly to move it.

If notice of a "No-Confidence Motion" against the Speaker or the Deputy Speaker is tabled, the House is not adjourned *sine die* till the provisions of these Rules are complied with and the motion of no-confidence is disposed of finally.

Subject to the provisions of Article 181 of the Constitution, the Speaker or the Deputy Speaker or such other person as is referred to in clause (2) of Article 180 presides when a motion under Rule 142 is taken up for consideration.

The member in whose name the motion stands on the List of Business should, except when he wishes to withdraw it, move the motion when called upon to do so, but no speech is permitted at this stage.

On the appointed day the resolution is included in the List of Business to be taken up after the questions and before any other business for the day is entered upon.

Except with the permission of the Speaker or the person presiding, a speech on the resolution should not exceed fifteen minutes duration.

Provided that the mover of the resolution when moving the same may speak for such longer time as the Speaker or the person presiding may permit.

The first Speaker of the Sikkim Legislative Assembly was Shri C.S. Roy. Shri B.B. Gurung was elected as the Speaker after Shri C.S. Roy tendered his resignation. The Second Assembly constituted in 1979 elected Shri Sonam Tshering as the Speaker and Shri Lal Bahadur Basnet as the Deputy Speaker. The Speaker of the third Legislative Assembly was Shri Tulshi Ram Sharma and the Deputy Speaker Shri Ram Lepcha and of the fourth is Shri Dorjee Tshering Bhutia as the Speaker and Shri B.S. Pant as the Deputy Speaker.

PROCESS OF LEGISLATION

The proposals for legislation are initiated in the form of Bills, which, when passed by the Legislative Assembly and assented to by the Governor or the President, as the case may be, become Acts. Bills may be classified into Government Bills and Private Members' Bills.

Rule 76 defines the Private Members' Bill and provisions related to its introduction in the House. Any member, other than a Minister, desiring to move for leave to introduce a Bill, has to give notice of his intention and submit along with the notice a copy of the Bill and an explanatory statement of objects and reasons which should not contain arguments. The period of notice of a motion for leave to introduce a Bill is fifteen days unless the Speaker allows the motion to be made at shorter notice.

A Bill in order to become an Act has to pass through three stages.

First Reading: The first reading means motion for leave to introduce a Bill on the adoption of which the Bill is introduced, or introduction of a Bill already published in the Gazette. At this stage the principles

of the Bill and its provisions may be discussed generally but the details of the Bill are not discussed further than is necessary to explain its principle. At this stage, no amendments to the Bill can be moved, but if the member-in-charge moves that the Bill

a) be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting public opinion thereon by a date to be mentioned in the motion:

   Provided that if an amendment or a motion for appointment of a Select Committee has been moved under this Rule, any member may move that the House give instructions to the Select Committee to which the Bill is proposed to be referred to make some particular or additional provision in the Bill and if necessary or convenient, to consider and report on amendments which may be proposed to the original Act which the Bill seeks to amend;

b) be referred to a Select Committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting public opinion by a date as may be mentioned in the motion.

Where a motion that a Bill be circulated for the purpose of eliciting public opinion has been carried in the Assembly and the Bill has been circulated in accordance with that direction and opinion has been received thereon by the date mentioned in the motion, the member in charge, if he wishes to proceed with the Bill thereafter, shall move that the Bill be referred to a Select Committee, unless the Speaker, in his discretion, allows a motion to be made that the Bill be taken into consideration.

After the presentation of the final report of the Select Committee on a Bill, the member in-charge may move that the Bill as reported by the Select Committee be taken into consideration but any member may object to its being so taken into consideration if a copy of the report has not been available for the use of members for three days before the day on which the motion is made. Such objection prevails unless the Speaker, in his discretion, allows the report to be taken into consideration.

Second Reading: Amendments are ordinarily considered in the order of the clauses to which they respectively relate. When a motion that a Bill be taken into consideration has been carried, any member may, when called upon by the Speaker, move an amendment to the Bill of which he has previously given notice. An amendment moved may, by leave of the House but not otherwise, be withdrawn, on the request of the member moving it. If an amendment has been proposed to an amendment the original amendment is not to be withdrawn until the amendment proposed to it has been disposed of.

Thus the Second Reading consists of a clause by clause consideration of the Bill as introduced, or as reported by the Select Committee, as the case may be.

Third Reading: If no amendment is made when a motion that a Bill be taken into consideration has been agreed to by the Assembly, the Bill may at once be passed. If any amendment is made, any member may object to the passing of the Bill at the same meeting; and such objection prevails unless the Speaker, in his discretion, allows the Bill to be passed. Where the objection prevails, the Bill is brought forward again at a future meeting and may then the passed with or without further amendment. The discussion on a motion that the Bill or the Bill as amended, as the case may be, be passed, is confined to the submission of arguments either in support of or for the rejection of the Bill. In his speech, a member should not refer to the details of the Bill further than is necessary for the purpose of his arguments which were of general character.

The Speaker has the power to correct patent errors and make such other changes in the Bill as are consequential upon the amendments accepted by the House and the Bill passed and so revised is signed by the Speaker. In the case of a Money Bill the Speaker certifies that it is so.

After a Bill has been so authenticated by the Speaker, the Secretary sends the authenticated copy to the Governor for assent. After having obtained the assent of the Governor a Bill becomes an Act.

But if a Bill passed by the Assembly is returned to the Assembly by the Governor with a message requesting that the Assembly do recon-

sider the Bill or any specified provisions thereof or any such amendments as are recommended in his message, the Speaker reads the message if in session or if the Assembly is not in session, directs that it may be circulated for the information of members. It is, thereafter, laid on the Table.

At any time after the Bill has been so laid on the Table, any Minister in the case of a Government Bill, or in any other case, any member, may give notice of his intention to move that the amendments recommended by the Governor be taken into consideration. On the day on which the motion for consideration is set down in the List of Business which should, unless the Speaker otherwise directs, not be less than two days from the receipt of the notice, the member giving notice may move that the amendments be taken into consideration. The debate on such a motion is confined to consideration of matters referred to in the message of the Governor or any suggestion relevant to the subject matter of the amendments recommended by the Governor.

The Speaker puts the amendments to the House in such a manner as he thinks convenient for consideration. An amendment relevant to the subject matter of an amendment recommended by the Governor may be moved, but no further amendment is moved to the Bill unless it is consequential upon, incidental or alternative to, an amendment recommended by the Governor.

After all amendments have been disposed of, the member giving notice of the motion under Rule 111 may move that the Bill as originally passed by the Assembly be passed again as amended, as the case may be. If the motion that the amendment recommended by the Governor be taken into consideration is not carried, the member giving notice of the motion may at once move that the Bill as originally passed by the Assembly be passed again without amendment. After the Bill is passed again by the House, it is signed by the Speaker and presented to the Governor for his assent.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

Question Hour: The first hour of every sitting is available for the

asking and answering of questions in the Sikkim Legislative Assembly.

Questions are of three types: (i) Starred questions, (ii) Unstarred questions, (iii) Short Notice questions. Separate notices are given for 'Starred' and 'Unstarred' questions. The Starred questions are distinguished by an asterisk. They are answered orally while answers to unstarred questions are printed or typed along with questions. Not more than one question distinguished by asterisk by the same member is placed on the list of questions for written answer.

The order in which questions for oral answer are to be placed is indicated by the members giving notice and, if no such order is indicated, the questions are placed on the list of questions for oral answer in the order in which notices are received in point of time. Questions requiring elaborate statistical information or reports are not included in the list of questions for oral answers.

If any question placed on the list of questions for oral answer on any day is not called for answer within the time available for answering questions on that day, the Minister, to whom the question is addressed, forthwith lays on the Table a written reply to the question, and no oral reply is required to such questions and no supplementary questions are asked in respect thereof.

The Speaker decides whether a question is to be treated as starred or unstarred question.

A Short Notice Question is one which relates to a matter of public importance and can be asked with notice shorter than seven clear days. If the Speaker is satisfied that the question is of an urgent character, he may direct that an enquiry be made from the Minister concerned if he is in a position to reply and, if so, on what date. If the Minister concerned agrees to reply, such question can be answered on a day to be indicated by him and is called immediately after the questions which have appeared on the List of questions for oral answer have been disposed of.

Half-an-Hour Discussion: Rule 60 deals with the provision of raising half-an-hour discussion in the Sikkim Legislative Assembly. Under this provision, a member may give notice for raising a discussion on

a matter of sufficient public importance, which has been the subject of a recent question, oral or written, and the answer to which needs elucidation on a matter of fact. A member wishing to raise a matter has to give notice in writing to the Secretary three days in advance of the day on which the matter is desired to be raised, and should briefly specify the points that he wishes to raise. The notice is accompanied by an explanatory note stating the reasons for raising discussion on the matter in question.

If more than two notices have bee received and admitted by the Speaker, the Secretary holds a ballot with a view to draw in two notices and the notices are put down in the order in which they were received in point of time. There is no formal motion before the House nor voting.

Short-Duration Discussion: Rule 61 deals with the provision of Short Duration Discussion. Under this, a member may raise a discussion on a matter of urgent public importance by giving notice in writing to the Secretary specifying clearly and precisely the matter to be raised. The notice is to be accompanied by an explanatory note stating reasons for raising discussion. It should be supported by the signatures of at least two other members. There is no formal motion before the House nor voting. The Speaker may prescribe time-limit for the speeches.

Calling Attention Notice: Rule 65 says that a member may, with the previous permission of the Speaker call the attention of a Minister to any matter of urgent public importance and the latter my make a brief statement or ask for time to make a statement at a later hour or date.

The proposed matter is to be raised after the questions and before the List of Business is entered upon and at no other time during the sittings of the House. There can be no debate on such statement at the time it is made. And not more than one such matter is raised at the same sitting. In the event of more than one matter being presented on the same day, priority is given to the matter which is, in the opinion of the Speaker, more urgent and important.

Motion of No-Confidence: The Council of Ministers is collectively responsible to the Legislative Assembly. A motion of no-confidence in the Council of Ministers can be moved with the consent of the Speaker.

Under the Rules of Procedure and Conduct of Business in Sikkim Legislative Assembly, leave to make the motion is asked for after questions and before the List of Business for the day is entered upon. Leave of the House must be granted by not less than six members standing in support before such a motion can be moved. If the prescribed number of members support a motion of no-confidence, when leave is asked for by rising in their places, leave is deemed to be granted and the motion is taken up on such day, not being more than five days from the day on which leave is asked, as the Speaker may appoint. If the motion of no-confidence is passed, the Government has no other option but to resign.

Adjournment Motions: A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance is made with the consent of the Speaker and the leave of the House. Not less than six members should rise in their places in support in order to get the leave of the House.

After the leave of the House has been granted and time fixed for its discussion, the Speaker usually allows the motion to be moved at the appointed time. The time allowed for discussion is not more than two hours. At the end of the discussion, the motion that the House do now adjourn is put to vote.

Private Members' Resolution: Rule 118 says that a member other than a Minister who wishes to move a resolution is to give seven clear days' notice before the opening day of the session, of his intention thereof and, together with the notice, he has to submit a copy of the resolution which he wishes to move. A resolution may be in the form of a declaration of opinion or a recommendation, or may be in the form so as to record either approval or disapproval by the House of an act or a policy of Government or convey a message, or commend, urge or request for action, or call attention to a matter or situation for consideration by Government or in such other form as the Speaker may consider appropriate. Members securing priority in the ballot get a chance to move such resolutions.

Petitions: Rules 191 to 201 lay down the procedure for presentation

of petitions. A petition should be couched in respectful, decorous and temperate language. Every petition should be in the language in which the House transacts its business. If any petition is made in any other Indian language, it should be accompanied by a translation in the language in which the House transacts its business and signed by the petitioner. The full name and address of every signatory to a petition should be set out thereof and should be authenticated by his signature or thumb impression as the case may be. Letters, affidavits or other documents should not be attached to any petition. Every petition may be addressed to the House and conclude with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates. Petitions may be presented by a member or be forwarded to the Secretary who reports it to the House. Every petition is, after presentation, referred to the Committee on Petitions.

Rules 262 and 263 deal with the Committee on Petitions. At the commencement of the House or from time to time, as the case may be, the Speaker nominates a Committee on Petitions consisting of not more than five members. A Minister is not nominated as a member of the Committee.

The Committee on Petitions examines every petition referred to it, and if the petition complies with these rules, the Committee directs that it be circulated. Where circulation of the petition has not been directed, the Speaker may at any time direct that the petition be circulated. The circulation of the petition is *in extenso* or in summary form as the Committee or the Speaker, as the case may be, may direct. It also reports to the House on specific complaints made in the petition and suggests remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future.

BUDGET IN LEGISLATURE

The Budget is the annual financial statement or the statement of the estimated receipts and expenditure of the Government of Sikkim in respect of each financial year. The Budget is presented to the House by the Finance Minister on such day as the Governor may appoint. There is no discussion of the Budget on the day on which it is presented

to the House.

On the day to be appointed by the Speaker, subsequent to the day on which the Budget is presented and for such time as the Speaker may allot for this purpose, the House is at liberty to discuss the Budget as a whole or any question of principle involved therein but no motion is to be moved nor the Budget be submitted to the vote of the House. The Finance Minister has the right to reply at the end of the discussion.

Demands for Grants: Rule 148 says that a separate demand is made in respect of the grant proposed for each department, provided that the Finance Minister may include in one demand grants proposed for two or more departments or make a demand in respect of each expenditure which cannot readily be classified under a particular department. Each demand contains, first, a statement of the total grant proposed and then a statement of the detailed estimate under each grant divided into items.

The Speaker in consultation with the Leader of the House, allots as many days as may be compatible with public interest for the discussion and voting on Demands for Grants.

Cut motions are moved to reduce the amount of a demand in any of the following ways namely, the Disapproval of Policy cut, the Economy cut and the Token cut.

Vote an Account: Rule 156 deals with the vote on Account. The motion for Vote on Account states the total sum required and various amounts needed for each department as item of expenditure which compose that sum.

Discussion of a general character is allowed on the motion or any amendment moved thereto, but the details of the grant are not to be discussed further than is necessary to develop the general points. In other respects, a motion for Vote on Account is dealt with in the same way as if it were a demand for grant.

The Appropriation Bill: Rule 160 says that subject to the provisions of the Constitution, the procedure in regard to an Appropriation Bill is the same as for Bills generally with such modifications as the

Speaker may consider necessary.

The Finance Bill: Rule 161 defines the Finance Bill. Finance Bill means a Bill ordinarily introduced in each year to give effect to the financial proposals of the Government of Sikkim for the next following financial year and includes a Bill to give effect to supplementary financial proposals for any period. The scope of discussion on the Finance Bill is the same as that of the Appropriation Bill.

The Speaker allots a day or days, jointly or severally, for the completion of all or any of the stages involved in the passage of the Bill by the House. The Speaker, at 17.00 hours on the allotted day puts every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the days have been allotted. The scope of discussion is limited to matters of public importance or administrative policy implied in the grants covered by the Bill which have not already been raised during the discussion on Demands for Grants. The Speaker may require members desiring to take part in the discussion to give advance intimation of the specific points they intend to raise and may withhold permission for raising such of the points as in his opinion appear to be repetitions of the matters discussed on a demand for grant.

If an Appropriation Bill is in pursuance of a supplementary grant in respect of an existing service, the discussions are confined to the items constituting the same and no discussion is raised on the original grant nor the policy underlying it save insofar as it may be necessary to explain or illustrate a particular item under discussion.

Supplementary Grants: Supplementary, additional, excess and exceptional grants and votes of credit are regulated by the same procedure as is applicable in the case of Demands for Grants subject to such adaptations, whether by way of modification, addition or omission, as the Speaker deems necessary or expedient.

The debate on the supplementary grants is confined to the items constituting the same and no discussion can be raised on the original grants nor policy underlying them.

Token grant: When funds to meet proposed expenditure on a new

service can be made available by reappropriation, a demand for the grant of a token sum may be submitted to the vote of the House and, if the House assents to the demands, funds may be made available.

LEGISLATIVE COMMITTEES

Rules 205 to 273 deal with the Committee system in the House. The most important Committees are the two Financial Committees *viz*, the Public Accounts Committee and the Estimates Committee.

Committee on Public Accounts: The first Public Accounts Committee of Sikkim Legislature was formed in 1977. This Committee consisted of not more than five members who are elected by the House every year from amongst its members in accordance with the directions framed in this behalf by the Speaker. A Minister is not appointed as a member. The term of office of the members of the Committee is one year but a member is eligible for re-election.

The Committee examines the Accounts showing the appropriation of sums granted by the House for the expenditure of the State Government, the annual finance accounts of the State Government and such other accounts laid before the Assembly. In scrutinising the Appropriation Accounts of the State Government and the report of the Controller and Auditor General thereon, it is the duty of the Committee to satisfy itself:

a) that the moneys shown in the accounts as having been disbursed were legally available for, and applicable to the service or purpose to which they have been applied or charged;

b) that the expenditure conforms to the authority which governs it;

c) that every reappropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority.

It also examines the statement of account showing the income and expenditure of State Corporations, trading and manufacturing schemes, concerns and projects together with the balance sheets and

statements of profit and loss accounts which the Government may have required to be prepared or are prepared under the provisions of the statutory rules regulating the financing of a particular corporation, trading, manufacturing scheme or concern or project and the report of the Comptroller and Auditor General thereon. It also scrutinises the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies; the report of the Comptroller and Auditor General in cases where the Governor has required him to conduct an audit of receipts and also the money which has been spent on any service during a financial year in excess of the amount granted by the House for that purpose and the circumstances leading to such an excess and make such recommendations as it may deem fit.

Committee on Estimates: The Estimates Committee was formed in 1978. The Committee consists of not more than five members who are elected by the House every year from amongst its members. No Minister is elected as member of the Committee.

It reports what economies, improvements in organisation, efficiency or administrative reform consistent with the policy underlying the estimates, may be effected; and suggests alternative policies in order to bring about efficiency and economy in administration. It also examines whether the money is well laid out within the limits of the policy implied in the estimates and suggests the form in which estimates are to be presented to the House.

The other Committees of the Legislative Assembly are the following:

a) House Committee

b) Library Committee

c) Committee on Government Assurance

d) Rules Committee.

LEGISLATIVE PRIVILEGES

Rules 179 to 190 deal with privileges of the members.

A question of privilege may be raised in the House only after obtaining the consent of the Speaker. A member who wishes to raise a question of privilege is required to give notice in writing to the Secretary one hour before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice is accompanied by that document. On receipt of the notice, the matter is considered by the Speaker who may either give or withhold his consent to the raising of the question of privilege in the House. The member concerned is then informed of the decision of the Speaker.

After the Speaker has given his consent to raise the matter in the House as a question of privilege, the member who tabled the notice has to ask for leave of the House. The Speaker then requests those members who are in favour of leave being granted to rise in their places. If not less than six members rise accordingly, the House is deemed to have granted leave to raise the matter and the Speaker declares that leave is granted; otherwise the Speaker informs that he does not have leave of the House to raise the matter.

If leave is granted by the House for raising a question of privilege, the matter may either be considered by the House, or on a motion made by any member, referred to the Committee of Privilege for examination, investigation or report.

Committee of Privileges: At the commencement of the House or from time to time, as the case may be, the Speaker nominates a Committee of Privileges consisting of not more than five members. The Committee examines every question referred to it and determines with reference to the facts of each case whether a breach of privilege is involved and if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit.

SERVICING OF LEGISLATURE

The Secretary: The Secretary, Legislative Assembly is the administrative head of the Secretariat. He advises the Speaker in

discharging his day to day functions. The present Secretary is Shri G.P. Pradhan.

The Secretariat: The different sections of the Sikkim Legislative Assembly Secretariat are the Editorial, Accounts, Committee, General and Research and Library Section.

TAMIL NADU

ORIGIN AND GROWTH

The present State of Tamil Nadu was the residuary part of the erstwhile Madras Presidency. Besides Madras Presidency, there were two other Presidencies, viz., Presidency of Bombay and Presidency of Calcutta. Each Presidency was in charge of a Governor. The Presidencies were independent of each other, but the Regulating Act of 1773 termed the Governor of Bengal as Governor-General of Bengal and made him the supreme head of all the Presidencies. At the same time, the Legislative power in the Presidencies was recognised. This state of things was, however, discontinued by the Charter Act of 1833 which concentrated all the legislative powers in the Governor-General in Council and deprived the local Governments (Presidencies) of their power of the independent legislation. The Indian Councils Act of 1861 restored the legislative power taken away by the Charter Act of 1833. The Legislature of Madras Presidency was given power to make laws.

The Indian Councils Act of 1909 enlarged the Legislative Council of the Province from 20 to 50. The Legislative Council, for the first time, was elected by an indirect election resulting in non-official majority for the first time.

The Madras Legislative Council was set up in 1921 under the Government of India Act, 1919. The term of the Council was for a period of three years. It consisted of 132 members of which 34 were nominated by the Governor and the rest were elected. It met for the first time on 9th January 1921 at Fort St. George, Madras and was inaugurated by the Duke of Cannaught, a paternal uncle of the King of England, on 12 January 1921 on the request made by the Governor, Lord Wellington. The Governor addressed the Council on 14 February 1921. The second and third Councils under this Act were constituted

← State Legislature Building, Tamil Nadu.

after general elections were held in 1923 and 1926, respectively. The fourth Legislative Council met for the first time on 6 November 1930 after the general elections held during that year and its life was extended from time to time and it lasted till the Provincial Autonomy under the Government of India Act, 1935 came into operation.

The Government of India Act, 1935 marked the next stride in the evolution of Legislatures. The Act provided for an All India Federation and the constituent units of the Federation were to be the Governor's Province and Indian States. The Act established a bi-cameral Legislature in the Province of Madras as it was then called with a Legislative Assembly consisting of 215 members and a Legislative Council having 56 members.

The first Legislative Assembly under this Act was constituted in July 1937 after general elections. The Legislature consisted of the Governor and the two Chambers called the Provincial Legislative Council and the Provincial Legislative Assembly. The Legislative Council was a permanent body not subject to dissolution but as nearly as one third of the members thereon retired every three years. It consisted of not less than 54 and not more than 56 members.

The Legislative Assembly consisted of 215 members of which, 146 were elected from general seats of which 30 seats were reserved for Scheduled Castes.

Although the Government of India Act was passed in 1935 the part relating to the Province came into operation in 1937. The Congress Party in the Legislature formed the Government in March 1937. The Ministry, however, resigned in October 1939 due to the proclamation of emergency on account of World War-II and the Legislature ceased to function. After the War was over, general elections were held in March 1946 under the Government of India Act, 1935. The first session of the second Legislative Assembly under the Government of India Act, 1935 constituted in 1946 met for the first time on 24 May 1946.

Then came the Indian Independence Act, 1947, under which the paramountcy of the British Crown lapsed. The provincial legislatures elected under the 1935 Act were empowered to function as such under Article 383 of the Temporary and Transitional Provisions of the Indian

Constitution which came into force in 1950. When the Constitution came into force, the then existing legislature was allowed to function as Provincial Legislature.

The first Legislative Assembly of the present Tamil Nadu State was constituted in March 1952 after the first General Election, held in January 1952 on the basis of adult suffrage. It began its term on 3 May 1952 when it was summoned to meet for its first Session. The term of the Assembly was for a period of five years.

The second Legislative Assembly was constituted in April 1957. During the term of the Assembly in 1959, as a result of the adjustment of boundaries between Andhra Pradesh and Madras (Alteration of Boundaries Act, 1959), one member from the Andhra Pradesh Legislative Assembly was allotted to Madras and consequently the strength of the Madras Assembly was increased to 206.

The third Assembly was constituted on 3 March 1962. By the Delimitation of Parliamentary and Assembly Constituencies Order, 1965 the number of territorial constituencies in Madras was increased to 234.

The fourth Assembly was constituted on 1 March 1967. During the term of this Assembly on 18 July 1967 the House by a resolution unanimously adopted and recommended that steps be taken by the State Government to secure necessary amendment to the Constitution to change the name of Madras State as "Tamil Nadu". Accordingly the Madras State (Alteration of Name) Act, 1968 was passed. Consequently, the nomenclature "Madras Legislative Assembly" was changed into "Tamil Nadu Legislative Assembly". From 1967 onwards, the strength of the Assembly continues to remain at 234, besides a nominated member.

The fifth Assembly was constituted on 15 March 1971. Before the expiry of the period of the Assembly the President by a proclamation issued on 31 January 1976, under Article 356 of the Constitution dissolved the fifth Assembly and imposed President's Rule for the first time in Tamil Nadu.

After General Election in June 1977 the sixth Assembly was constituted on 30 June 1977, but before the expiry of the period of the

Assembly, the President by a proclamation issued on 17 February 1980 under Article 356 of the Constitution, dissolved the Assembly and imposed President's Rule in the State.

The Seventh Assembly was constituted on 9 June 1980 for the constituencies delimited on the basis of the Population Census of 1971, after the General Election held in May 1980 consisting of 234 Assembly constituencies out of which three seats were reserved for Scheduled Tribes and 42 seats for Scheduled Castes.

The Eighth Assembly was constituted on 16 January 1985 after the General Election held in December 1984.

In the Eighth Assembly a Government Resolution seeking to abolish the Legislative Council was adopted on 14th May 1986. Thereafter the Tamil Nadu Legislative Council (Abolition) Bill, 1986 was passed by both the Houses of Parliament and it received the assent of the President on 30 August 1986. The Act came into force on 1 November 1986. Thus, the Tamil Nadu Legislative Council was abolished with effect from 1 November 1986. The bicameral Legislature established in 1937 under the Government of India Act, 1935 became a unicameral Legislature. The Eighth Assembly was dissolved and President's Rule was imposed on 30 January 1988.

The Ninth Tamil Nadu Legislative Assembly was constituted on the 27 January 1989 after the General Election held in January 1989. Before the expiry of the term of the Assembly, the President by a Proclamation issued on the 30th January 1991, under Article 356 of the Constitution, dissolved the Ninth Tamil Nadu Legislative Assembly and imposed President's Rule in Tamil Nadu.

During the term of the Ninth Assembly, a Government Resolution seeking the revival of the Tamil Nadu Legislative Council was moved and adopted by the House on the 20th February 1989.

Thereafter, the Legislative Councils Bill, 1990 seeking the creation of Legislative Council in Tamil Nadu and Andhra Pradesh was introduced in Rajya Sabha on the 10th May 1990 and was considered and passed by the Rajya Sabha on the 28th May 1990. But the Bill could not be passed by the Lok Sabha due to a technical flaw.

After the General Election the Tenth Assembly was constituted on

24 June 1991. At a meeting of the Assembly held on 4 October 1991 a resolution was adopted rescinding the earlier Resolution adopted by the Ninth Assembly on 20 February 1989 seeking the revival of the Legislative Council.

STRUCTURE OF LEGISLATURE

The present Tamil Nadu Legislative Assembly consists of 234 members elected from 234 Assembly Constituencies of which 42 constituencies are reserved for Scheduled Castes and 3 constituencies are reserved for Scheduled Tribes. In addition to this, one member is nominated by the Governor under Article 333 of the Constitution to represent the Anglo-Indian community.

The tenure of the Assembly is five years unless it is dissolved before the expiry of the tenure.

After coming into force of the Constitution on 26 January 1950 and following the First General Election held under the Constitution, the First elected Assembly was constituted on 1 March 1952. The details of the tenure of the Legislative Assembly are given in Table 1 below:

Table 1

Sl. No.	Legislative Assembly	Tenure From	To
1.	First	1.3.1952	31.3.1957
2.	Second	1.4.1957	1.3.1962
3.	Third	3.3.1962	28.2.1967
4.	Fourth	1.3.1967	5.1.1971
5.	Fifth	15.3.1971	31.1.1976
6.	Sixth	30.6.1977	17.2.1980
7.	Seventh	9.6.1980	15.11.1984
8.	Eighth	16.1.1985	30.1.1988
9.	Ninth	27.1.1989	30.1.1991
10.	Tenth	24.6.1991	To date

ELECTIONS, PARTIES AND MEMBERS

Parties in Legislature: The present Rules of Procedure of the Tamil Nadu Assembly provides that the "Legislature Party" means any party which has been recognised by the Election Commission for the purpose of contesting election to the Legislative Assembly and allotted a common symbol and has been elected to the House and is having not less than the prescribed quorum strength. The "Legislature Group" means a group of members belonging to a Legislature Party which fulfils any one of the conditions, viz.,

(a) it has a strength of not less than eight members;

(b) that the total number of valid votes polled by all the contesting candidates set up by such Legislature Party at the General Election in the State to the Legislative Assembly is not less than four percent of the total number of valid votes polled by all the contesting candidates at such General Election.

Party Whips: The main function of the Whips is to keep members of their party within the available distance of the division bell and reach the House within two minutes, whenever any important business is under consideration in the House. Whips are responsible for the attendance of the members at the time of important divisions. For this purpose they send them advance intimation. The Whips must have close contact with all members of the House and knowledge of their interest, special aptitudes, qualities and potentialities so that he can take these aspects into account while sending the list of members, who desire to speak, to the Chair in the interest of quality of debate and deliberation.

The Leader of the Opposition: The Leader of the Opposition means the Leader of a Legislature Party having the largest number of members other than the party which has formed the Government and having more than the quorum strength prescribed and recognised by the Speaker. The Leader of the Opposition was accorded recognition and given salary and certain other facilities and amenities. He is paid a salary of Rs.2,700/- per month, besides other perks that are entitled

to a member of the Legislature.

Qualifications of Membership: Every citizen of India who has completed twenty five years of age and is a voter from any Assembly constituency in the State of Tamil Nadu can become a member of the Assembly. However, in the case of a seat reserved for Scheduled Castes or for Scheduled Tribes he must be a member of those Castes or Tribes as the case may be. Residence in a particular constituency is not necessary for representing that constituency in the Assembly.

Oath / Affirmation: A member can take oath or make the affirmation at the commencement of a sitting of the Assembly or at any other time or place as the Speaker may direct on any day after giving previous notice. The normal tenure of membership is five years from the date appointed for the First Meeting of each Assembly.

Salary and Other Facilities: A member of the Tamil Nadu Legislative Assembly receives a salary of Rs.1,000/- p.m. He is also paid Rs.100/- per day for attendance at the meetings of the Assembly and the Committees thereof; two days before and the day after a continuous meeting of the Assembly and one day before and one day after the meeting of any Legislative Assembly Committees. Besides, a member is also entitled to the following facilities:

(a) *Housing Facilities:* Members are accommodated free of rent in the MLA Hostels during meetings of the Assembly and the Committees. During non-meeting days, they are charged a concessional rent of Rs.2.50 per head per day. An amount of Rs.60/- per head per month is charged from members if they take rooms in the Hostel on a monthly basis.

(b) *Medical Facilities:* Every member and the members of his family are entitled, free of charges, to accommodation in the Hospitals maintained by the State Government and also to medical treatment. Cost of medicines purchased in the open market is reimbursed to the members.

(c) *Financial Assistance to Major Surgery:* Every member of the Legislative Assembly, who on prior intimation to the State

Government, undergoes surgery relating to Heart, Kidney or any other part of the body which the State Government may consider to be a major surgery, in any Hospital maintained by the Central Government or any State Government or any Union Territory Administration or in any private Hospital situated in the Territory of India, shall be entitled to financial assistance subject to such conditions as may be prescribed.

(d) *Telephone Facilities:* Direct Telephones are installed in the rooms of the Legislators' Hostel allotted to members on a monthly basis. Installation charges and bimonthly rent in respect of those phones alone are met by the Government. All other charges are to be met by the member concerned. Every member is entitled to have a telephone at his residence, the installation expenses of which will be met with by the Government. To meet expenses in connection with payment towards deposit for installation of a telephone, the member can obtain interest-free recoverable advance from the Legislature Secretariat.

(e) *Secretarial Assistance:* Additional English and Tamil Typists are appointed on a temporary basis, for the duration of the Assembly Meetings, to meet the typing requirements of members. Stenographic assistance is provided during Meeting days.

(f) *Research, Reference and Library Facilities:* The Library Section of the Legislature Secretariat renders all possible assistance to members in drafting Questions, Resolutions, amendments to Bills, Petitions etc. Press clippings under various important headings are classified and filed for reference by members. Particulars and statistics that may be required by members for use in debate are also gathered and furnished.

(f) *Postal and Stationery Facilities:* Every year the following Stationery and Postal items are supplied to each member:

(i) 25 letter pads containing 100 sheets each

(ii) 1000 big size (1/4 size) sheets with Legislator's Emblem

(iii) 500 envelopes (oblong size)

(iv) 1000 envelopes (small size)

(v) Diary and Calendar.

Resignation: A member who desires to resign his seat in the House shall intimate in writing under his hand addressed to the Speaker his intention to resign his seat in the House in the prescribed form of the Tamil Nadu Legislative Assembly Rules. If the resignation is not in the form as prescribed, it will be rejected.

The Speaker shall, as soon as may be, after he has accepted the resignation of a member, inform the House that the member has resigned his seat in the House and that he has accepted the resignation.

Leave of Absence: Leave of absence from the sittings of the House may be granted by the House to a member on a motion made by him or any other member on his behalf stating the period of absence, and such motion shall be voted upon without any amendment or debate. If without such leave, a member is absent from all meetings of the Assembly for sixty days computed in accordance with clause (4) of Article 190 of the Constitution, any member of the House may move that his seat be declared vacant, and such motion shall be voted upon without amendment or debate. The Rules of Procedure of the Tamil Nadu Legislative Assembly do not provide for the constitution of the Committee on the Absence of Member.

Expulsion: The Rules of Procedure and Conduct of Business framed by the Tamil Nadu Legislative Assembly do not prescribe any rule for expulsion of members from the House. In the Legislative Assembly, for the first time a Resolution was adopted on 22nd December 1986 expelling ten members of the Assembly belonging to the Dravida Munnetra Kazhagam from the membership of the House for having burnt excerpts of the Constitution and declared their seats vacant. The Rules of Procedure provide that a member who has been named by the Speaker who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof could be suspended from the service of the House, on a motion being made forthwith for a period not exceeding the remainder of the Session.

SESSIONS AND SITTING

Proposals for summoning and prorogation were hitherto initiated by the Legislative Assembly Secretariat and sent to the Governor through the Speaker, the Leader of the House and Chief Minister till 1984. From 1985 onwards, proposals for summoning and prorogation are being initiated by the Government Department and the decision of the Government communicated to the Legislative Assembly Secretariat. On receipt of the communication the Legislative Assembly Secretariat prepares draft notification and sends it to the Governor through the Speaker. Summoning and Prorogation and also the dissolution of the Assembly are issued in the form of notification. A covering D.O. letter forwarding a copy of notification alone is circulated to members.

Emergent / Secret Sessions: There is no special provision for holding either emergent or secret sessions separately. If an emergent session is to be convened within a short period, then the members will be intimated through telegrams and also wide publicity given through Press, All India Radio and T.V. There had been only one occasion when a secret sitting of the House was held on 10 February 1955 when a member raised a matter of privilege relating to the arrest of a member of the House. The Leader of the House pointed out that the matter was *sub judice*. On a motion moved by the Leader of the House on the advice of the Speaker and adopted, the House sat *in camera*. All strangers including those in the Press Gallery and Council members withdrew and the House held a secret sitting.

Two emergent meetings of the Assembly were held, one on 2nd May 1975 to ratify the Constitution (Thirty-eighth Amendment) Bill, 1975 which sought to make Sikkim a State of the Union and another on 4 May 1992 to adopt a Resolution from the Leader of the House in regard to the order received from the Supreme Court by the Secretary, Legislative Assembly, pursuant to an action taken in the Assembly on a Privilege matter.

Table 2 shows the number of Sessions held by the successive Assemblies.

Table 2: Number of Sessions held by each successive House

Name of the House	Period	No. of Sessions held
First Assembly	1952-1957	9
Second Assembly	1957-1962	10
Third Assembly	1962-1967	9
Fourth Assembly	1967-1970	9
Fifth Assembly	1971-1976	14
Sixth Assembly	1977-1980	6
Seventh Assembly	1980-1984	9
Eighth Assembly	1985-1988	6
Ninth Assembly	1989-1991	6
Tenth Assembly	1991 (up to september 1992)	4

BUSINESS OF THE HOUSE

Order of Business: The Business listed in the List of Business is normally in the following order:

1. Swearing in of members
2. Obituary reference, condolences
3. Questions
4. Statements by Ministers
5. Call Attention Motions
6. Introduction of Bills
7. Financial Business
8. Legislative Business
9. Resolutions
10. Papers placed on the Table.

Business Advisory Committee: Sub-rule (1) of Rule 231 of the Tamil Nadu Legislative Assembly Rules provides for the composition of a Business Advisory Committee. At the commencement of the House or from time to time, as the case may be, the Speaker may nominate a

Business Advisory Committee consisting of himself and the Leader of the House and fifteen other members. The Speaker is the Chairman of the Committee. Usually the Leaders of all parties and groups, besides Deputy Speaker and Chief Government Whip are nominated as members of the Committee. The main function of the Committee is to draw up the programme of the sittings of the House and to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business that may be referred to it by the Speaker.

Private Members' Business: Rule 33 provides that on all Thursdays on which the Assembly sits except the Thursday allotted for the discussion on the Motion of Thanks to the Governor's Address and Thursday allotted for the discussion of Financial matters under Article 202 of the Constitution, the business of Private Members shall have precedence. But on a motion moved for the suspension of this provision, the Assembly may resolve to give precedence to Government Business even on Thursdays on which the Business of Private Members has precedence. If such a Motion is moved and carried, the Speaker may in consultation with the Leader of the House allot in lieu thereof another day in the same or in the subsequent week for Private Members' Business. The Rules do not provide for the constitution of the Committee on Private Members' Business.

Rules of Debate: The present practice followed is that fifty percent of the time allotted for discussion is earmarked for the ruling party members and of the remaining fifty percent, twenty five percent to the main opposition party members and the rest is shared by the other opposition parties. The members speak from their allotted seats only. By convention, members are allowed to read their written speeches only if it is a maiden one and on subsequent occasions they can have points with them and develop their speech from the points. Interruptions are allowed only if the member who is speaking yields. By convention, when a member delivers his maiden speech, interruptions are not allowed. Frequent interruptions are also not allowed. The Chair will prescribe time limit on speeches depending on the availability of total time. According to Rule 103, a member who has

moved a substantive Motion may speak again by way of reply and the mover of an Adjournment Motion shall have a right of reply, if the Motion is moved by a Private Member. The Minister to whose Department the matter relates shall, after the mover has replied, have the right of speaking whether he has previously spoken in the debate or not.

Voting Procedure: When a Question is put to the House, it is required to give its decision. This is done by the Chair by asking for a 'Voice Vote' in the first instance. If the opinion/assessment of the Chair on the basis of voice vote is challenged, that is, if while *Ayes have it* is being declared, there are voices saying *Noes have it* or vice versa and if it is of the opinion that the Division is being unnecessarily claimed, the Chair will ask the members in favour and those against, to show hands or to stand in their respective places one after the other and then on a count being taken declare the decision of the House.

Division in Lobbies: Division in Lobbies is not followed. When the Chair intends a Division, the Secretary operates at his Table a switch for two minutes which causes electric bells to ring in the Assembly precincts to enable members who are within the building but not in the House to come to the House, if they wish to take part in it. After the bells cease to ring, the Chair will direct all the doors of the House to be closed and after such closure no member shall be allowed to enter the House. The Chair will again put the Motion to the vote of the House and declare the result on the strength of voice. If the opinion of the Chair is again challenged before finally declaring the result, then votes will be counted by means of a Division. The Chair will first call the members block by block who are in favour of the Motion and those who are against the Motion to stand up and the Secretary will mark their votes by calling out the names of each member.

After the name of a member is called and marked, the member should resume his seat. After recording the names of members whether in favour or against the Motion, the Chair will call those who are neutral to the Motion to stand up. The Secretary will mark their votes also. On furnishing the details of the voting by the Secretary, the Chair will announce the result to the House. This method is known

as *Roll Call Method.*

Proceedings: An official report of the day-to-day proceedings of the Legislative Assembly known as the *Tamil Nadu Legislative Assembly Debates* is published under the authority of the Speaker and the supervision of the Secretary, Legislative Assembly Secretariat. Copies of it are made available to every member of the Legislative Assembly. Copies of Debates are also supplied to the members of the State Legislative Council and the members of Parliament from Tamil Nadu.

According to the provisions of the Tamil Nadu Legislative Assembly Rules, the business of the Assembly shall be transacted in Tamil or in English or in both, provided that any member may address the Assembly in any recognised language of the State (Telugu, Malayalam, or Kannada) or in Hindi and provided further that the Speaker may permit any member who cannot adequately express himself in any of the aforesaid languages to address the Assembly in his mother-tongue.

Up to the period of the Third Assembly (1962-67), the proceedings of the Assembly were in English and from the term of the Fourth Assembly (1967-70) the proceedings of the Assembly are generally in Tamil. There are certain occasions when some speeches or quotations are made in English by members.

The proceedings are recorded verbatim and edited and corrected without altering the central theme of the speech. The un-corrected proceedings are issued on the same day in the evening. The printed and edited debates are issued after six months.

The proceedings of the House are conducted only in Tamil, i.e., the regional language of the State, and no provision has been made for simultaneous interpretation of the Debates in the Assembly.

PRESIDING OFFICERS

Speaker *pro-tem* is appointed by the Governor under clause (1) of Article 180 of the Constitution. The Governor appoints him as the person before whom other newly elected members may make or subscribe the oath or affirmation. He conducts the elction of the

Speaker also. He continues in office till the Speaker is elected. He is entitled to salary and other allowances admissible to the Speaker for the period during which he acts as Speaker *pro-tem.*

The election of the Speaker takes place on the date fixed by the Governor. The Secretary intimates the date of election to every member. On the day prior tothe election, any member may nominate another member for election. The nomination papers contain the name of the member nominated, and signed by the proposer and seconder and also contain a declaration by the nominee that he is willing to serve as Speaker, if elected. It is delivered to the Secretary in person either by the proposer or the seconder or the candidate himself. The election takes place at a meeting of the Assembly. On the date of election, the Deputy Speaker, or the person appointed by the Governor, reads out to the Assembly the names of members who have been duly nominated together with those of their proposers and seconders and if only one member has been so nominated, it is declared that the member has been elected. If more than one member has been nominated, the Assembly proceeds to elect the Speaker by ballot. In the ballot, if two or more candidates obtained an equal number of votes, the question is decided by drawing of lots.

The election of Deputy Speaker is also held in the same manner as that of the Speaker. It is significant to note that these elections are not held by method of moving a Motion in the House.

The Speaker holds office from the date of his election till immediately before the first meeting of the next Assembly. He is eligible for re-election. The Speaker vacates his office, if he ceases to be a member of the Assembly. On the dissolution of the Assembly, although both the Speaker and the Deputy Speaker cease to be the members of the House, only the Deputy Speaker vacates his office. The Speaker has to discharge the functions of his office till a new Assembly is constituted after elections.

The Speaker enjoys the status of a Cabinet rank Minister and is ranked next to the Chief Minister along with Chief Justice of the High Court of the State. The higher position among them is decided by their individual seniority in the State.

He is paid a salary of Rs.3,000/- and a House Rent Allowance of

Rs.2,100/-. Besides, he is provided with all necessary furniture both in his office and residence. He is also eligible for such electrical equipments as T.V., refrigerator, water heater etc.

The Speaker enjoys enormous powers under the Rules of Procedure. He is the ceremonial Head of the House. His authority is supreme inside the House. He represents the collective voice of the House. Utmost respect and attention is paid to him by all members of the House and while speaking, he is heard with rapt attention. His ruling cannot be questioned or challenged. He is also the administrative Head of the Legislature Secretariat and all orders of Legislative Secretariat are issued in his name.

The Speaker or the Deputy Speaker once elected can also be removed from their office. A member wishing to give notice of a Resolution under clause (c) of Article 179 of the Constitution for the removal of the Speaker or the Deputy Speaker can do so in writing to the Secretary with a copy to the Speaker; provided that no Resolution for the purpose is moved unless at least fourteen days' notice has been given to the Secretary of the intention to move the Resolution. On receipt of the notice, a Motion for Leave to move the Resolution is entered in the List of Business in the name of the member concerned on the day of the meeting immediately after the expiry of fourteen days' notice as required under Article 179 of the Constitution. The Motion is then taken up for consideration immediately after the Question Hour. On that day, the person presiding over the Assembly reads the Resolution to the Assembly and requests the members who are in favour of leave being granted to move the Resolution to rise in their places. If not less than thirty-five members rise, the person presiding over the Assembly declares that leave has been granted. If less than thirty five members rise, he informs the member giving notice of the Resolution that he has not the leave of the Assembly to move it. If leave of the House is granted, discussion on the Resolution may follow immediately or the House may fix for its discussion a date not being more than seven days from the day on which leave is granted.

There had been an instance in the Tamil Nadu Legislative Assembly when Thiru K.A. Mathialagan was removed from the Office of the

Speaker by a Resolution moved and adopted by the House on 2 December 1972.

The names and tenure of the Speakers and Deputy Speakers of the Tamil Nadu Legislative Assembly since its inception are given in Table 3 and 4, respectively.

Table 3: Statement showing the names and tenure of Speakers, Legislative Assembly.

Names	Tenure	
	From	To
Thiru J. Sivashanmugham Pillai	6.5.1952	16.8.1955
Thiru N. Gopala Menon	27.9.1955	1.11.1956
Dr. U. Krishna Rao	30.4.1957	3.8.1961
Thiru S. Chella Pandian	31.3.1962	14.3.1967
Thiru Si. Pa. Aditanar	17.3.1967	12.8.1968
Pulavar K. Govindan	22.2.1969	14.3.1971
Thiru K.A. Mathialagan	24.3.1971	2.12.1972
Pulavar K. Govindan	3.8.1973	3.7.1977
Thiru Munu Adi	6.7.1977	18.6.1980
Thiru K. Rajaram	21.6.1980	24.2.1985
Thiru P.H. Pandian	27.2.1985	5.2.1989
Thiru M. Sathaiah alias Thamizhkudimagan	8.2.1989	30.6.1991
Thiru R. Muthiah	3.7.1991	To date

Table 4: Statement showing the names and tenure of Deputy Speakers, Legislative Assembly.

Names	Tenure	
	From	To
Thiru B. Baktavatsalu Naidu	16.8.1955	27.9.1955
	(from 1.11.1956 to 31.3.1957, performed the duties of Speaker)	
Thiru B. Baktavatsalu Naidu	(from 4.8.1961, Deputy Speaker performed the duties of Speaker)	
Thiru K. Parthasarathy	31.3.1962	28.2.1967
Pulavar K. Govindan	17.3.1967	21.2.1969
Thiru G.R. Edmund	26.2.1969	5.1.1971

Continued

Table 4: *(Continued)*

Names	Tenure	
	From	To
Thiru P. Seenivasan	24.3.1971	9.3.1974 (from 2.12.1972 to 3.8.1973, the Deputy Speaker performed the duties of Speaker)
Thiru N. Ganapathy	7.4.1974	31.1.1976
Thiru S. Thirunavukkarasu	6.7.1977	17.2.1980
Thiru P.H. Pandian	21.6.1980	15.11.1984
Thiru V.P. Balasubramanian	27.2.1985	30.1.1988
Thiru Duraiswamy	8.2.1989	30.1.1991
Prof. K. Ponnusamy	3.7.1991	To date

PROCESS OF LEGISLATION

The birth of legislative proposals starts from the administrative department of the Government. The draft of legislative proposals is first prepared by the concerned administrative Department in consultation with the Law Department of the Government and then placed before the Cabinet. Soon after the approval of the Cabinet, the draft Legislative proposals is printed in the form of a Bill and is sent to the Legislative Assembly Secretariat for introduction in the House. The essential features of Bills are: (i) the Title of the Bill, (ii) Long Title, and (iii) Enacting Formula.

Bills piloted by Ministers are known as *Government Bills*. A Minister desirous of moving a Motion for Leave to introduce a Bill is required to give five days' notice in the form prescribed in the Appendix D of the Tamil Nadu Legislative Assembly Rules and with such notice sufficient number of copies of the Bill with an Explanatory Statement of Objects and Reasons should be sent to the Secretary for circulation to members.

Bills piloted by members other than Ministers are known as *Private Members' Bills*. The requirements are the same as that of the Government Bill. However, in the case of Private Members' Bill, one copy of the Bill is sufficient. Besides this, on receipt of the notice, a copy of

the Bill is taken by the Legislative Assembly Secretariat and sent to the Law Department with a request to state whether the Bill requires the recommendation of the Governor for introduction or for consideration. A copy of the Bill is also forwarded to the concerned administrative Department for information. In the case of the Bill requiring recommendation of the Governor, the member will be addressed to send a formal letter for obtaining recommendation of the Governor. On receipt of the letter, it will be forwarded to the Governor's Secretariat for obtaining recommendation. Thereafter the relative precedence among the Private Members' Bills is determined by a Ballot, the procedure for which is set out in the Rules of Procedure.

The Legislative Process: First, the member in-charge of a Bill has to obtain the leave of the House to introduce a Bill by way of a Motion. If the Motion is carried, then the Bill will be introduced. If the Motion is opposed, the Speaker, if he thinks fit, may allow a brief explanatory statement from the member who moves and from the member who opposes the Motion and thereafter puts the Motion to the vote of the House. This is the *first stage*. After a Bill is introduced, the member in-charge of the Bill may move any of the following Motions:

(1) that the Bill be taken into consideration or

(2) that the Bill be referred to a Select Committee of the House; or

(3) that the Bill be circulated for the purpose of eliciting opinion thereon.

If the Motion that the Bill be taken into consideration is adopted, then there will be a general discussion on the Bill. After the conclusion of general discussion, the clause by clause consideration of the Bill will be taken up. Amendments to each clause are first put to the vote of the House. If any amendment is accepted by the House, the clause as amended is put to vote. Then it becomes part of the Bill. After the clauses, the Schedules, if any, clause one, the enacting formula, the Preamble, if any, and the Table of the Bill are put to the vote of the House. This is called the *second stage*.

After the consideration of the Bill by the House, the said member

in-charge moves that the Bill be passed. The Motion is put to vote and adopted. This is called the final and *third stage*.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

Question Hour: The first hour of every sitting is normally devoted to Questions. Questions are of three types: (i) Starred Questions, (ii) Unstarred Questions, (iii) Short Notice Questions. A member who desires an oral answer to his Question distinguishes it as a Starred Question by an asterisk and if he does not so distinguish it by an asterisk, the Question if admitted, is printed in the List of Questions as an Unstarred Question for written answer. A Question in order to be admissible, should relate to the public affairs with which the Minister to whom it is addressed is officially connected or to a matter of administration for which he is officially responsible. The Speaker decides the admissibility of Questions. No debate is permitted during Question Hour.

Short Notice Questions are admitted with the consent of the Minister concerned. A Question relating to a matter of urgent public importance may be asked with notice shorter than seven clear days.

Half-an-Hour Discussion: The Speaker may allot half-an-hour on three sittings in a week for raising a discussion on a matter of sufficient public importance which has been the subject matter of a Question, oral or written, the answer to which was given within five days prior to the date of notice and which needs elucidation on a matter of fact. A member wishing to raise a matter gives notice in writing to the Secretary two days in advance of the date on which the matter is desired to be raised, and briefly specifies the point or points that he wishes to raise, together with the reasons for raising the discussion on the matter in question. Provided that if a notice is signed by more than one member, it is deemed to have been given by the first signatory only. Provided further that the Speaker may, with the consent of the Minister concerned, waive the requirement concerning the period of notice. The Speaker decides whether the matter is of

sufficient public importance to warrant the discussion an his decision is final. If more than one notice has been received and admitted by the Speaker, the Secretary holds a ballot with a view to drawing one notice and the notice so drawn is put down for discussion on that day. There is no formal Motion before the House nor voting and the discussion terminates at the end of half-an-hour.

Motion of No-Confidence: A Motion expressing want of confidence in the Ministry or a Motion disapproving the policy of the Ministry in a particular respect may be made with the consent of the Speaker and subject to the following restrictions, namely:

(a) leave to make the Motion must be asked for after Questions and before further business set down in the List of Business for the day is entered upon; and

(b) the member asking for leave must before the commencement of the sitting of the day, leave with the Secretary a written notice of the Motion which he proposes to make.

If the Speaker is of the opinion that the Motion is in order, he then reads the Motion to the House and requests those members who are in favour of leave being granted to rise in their places and if not less than twenty-four members rise accordingly, the Speaker intimates that leave is granted and that the Motion will be taken on such day, not being more than ten days from the date on which leave is asked for, as he may appoint. If less than twenty-four members rise, the Speaker informs the member that he has not the leave of the House.

Adjournment Motions: A member desirous of moving a Motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance should, before the commencement of the sitting of the Assembly at which he proposes to ask for leave of the House to make his Motion, hand to the Secretary three copies of a statement in writing of the matter proposed to be discussed, and obtain the Speaker's consent to his asking for leave to make the Motion. The Speaker may withhold consent to the matter being raised before the House and in that case it should be communi-

cated to the member together with the reasons therefor and the member should not raise the matter as such in the House. If the Speaker gives his consent, he, after Questions and before further business set down in the List of Business for the day is entered upon, reads the statement to the House and decides whether the matter proposed to be discussed is or is not in order. Before he so decides, he may, if he thinks necessary, call upon the member to explain how the matter is in order and he may also ask the Leader of the House or the Minister concerned to state the Government's point of view.

No-Day-Yet-Named Motions: The main condition for admission of No-Day-Yet-Named Motion is to raise substantially one definite issue besides other normal conditions prescribed for the Motion. Considering the state of business in the House and in consultation with the Leader of the House, a day or days or part of a day will be allotted for discussion.

Short Duration Discussion: Any member desirous of raising a discussion on an urgent matter of administration may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. The notice should be accompanied by an explanatory note stating reasons for raising a discussion on the matter in question. If the Speaker is satisfied that the matter is urgent and is of sufficient importance to be raised in the House at an early date, he may admit the notice and, in consultation with the Leader of the House, fix the date on which such matter may be taken up for discussion and allow such time for discussion not exceeding one hour.

Calling Attention Notices: A member may, after Questions, and with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may then make a brief statement on the matter or ask for time to make a statement later. There is no debate on such satement at the time it is made. But the Speaker may at his discretion permit one or two Questions by the same member by way of elucidation. Not more than two matters are raised under the same sitting. In the event of more than two matters being presented for the same day, priority is given

to the matters, which in the opinion of the Speaker, are more urgent and important. The proposed matter is raised only after Questions and before the List of Business is entered upon and at no other time during the sitting of the House.

Governor's Address: At the first sitting of the Assembly, after the Governor has addressed both the Houses or House of the Legislature under Article 176 or 175 of the Constitution, a copy of the Governor's Address is placed on the Table of the House. Under Article 176 (2) of the Constitution, the Speaker, in consultation with the Leader of the House and the Business Advisory Committee, if any, allot the time necessary for the discussion of the matters referred to in the Governor's Address under Article 176 (1) of the Constitution. Such discussion may take place on a Motion of Thanks moved by a member and seconded by another member. Amendments may be moved to such Motion in such form as may be considered appropriate by the Speaker. The Chief Minister or any other Minister, whether he has previously taken part in the discussion or not, on behalf of the Government, has a general right to speak at the end of the discussion.

Petitions: A member desiring to present a Petition should show it to the Speaker and obtain his consent to its presentation. After he has obtained the consent of the Speaker, he may present it on any day after Questions and before the other business for the day is entered upon. Every member offering to present a Petition to the Assembly should confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it and of the material allegations contained in it and to the reading of the prayer of the Petition. If a Petition is in conformity with the rules, the Secretary, if so required by the Speaker, reads it to the Assembly or makes an abstract of it and reads or circulates the abstract to the Assembly. There is no debate or speech in the Assembly on any such Petition.

BUDGET IN LEGISLATURE

The Budget: The Budget of the State Government is the Annual

Financial Statement which includes the anticipated items of receipts and expenditure for the State for the next financial year. The Budget comprises of three divisions, viz., the Revenue Account, the Capital Account and the Public Account. The preparation of the Budget is undertaken by the Finance Department in the Government and the Department would suggest a date for the presentation to the House for approval by the Governor through Speaker.

The following are the Budget documents:

1. Detailed Demands for Grants (62 Books).
2. Detailed Budget Estimates of Revenue.
3. Annual Financial Statement (Budget) of the Government of Tamil Nadu.
4. Budget Memorandum.
5. Appendices to the Budget Memorandum.
6. List of New Schemes (Part II Schemes).
7. Annual Plan (Plan Budget Link).
8. Appendices to Budget Speech.
9. An Introduction to the Budget.
10. Notice of Demands for Grants.
11. Speech of Hon. Minister for Finance.

The Speaker, in consultation with the Business Advisory Committee, allots sufficient number of days for the General Discussion on the Budget which should not exceed more than ten days. The Budget as a whole and the principle involved in it are discussed by the House during this Discussion on the Budget. No Motion is moved at this stage nor is the Budget submitted to the vote of the House. The Minister-in-charge of Finance replies to the General Debate.

Demands for Grants: The Speaker, in consultation with the Business Advisory Committee, fixes the time to be allotted for the discussion of each Demand and also determines the order in which the demands are to be taken up. The discussion on Demands for Grants should not exceed thirty days.

Guillotine: On the last day of the allotted days for the voting of Demands for Grants at 1.30 p.m., the Speaker forthwith puts every Question necessary to dispose of all the outstanding matters in connection with the Demands for Grants, including the Motion for reducing the grant, if any, then under discussion.

Cut Motions: The Minister concerned, while moving a Demand for Grant, may make a statement explaining the policy of the Government in respect of the Departments covered by the Demands. At this stage, it is open to members to move Motions (notice for such Cut Motions have to be given within the time-limit specified in the Rules of Procedure) for reduction of grants but Motions which will have the effect of increasing or altering the destination of a Demand cannot be moved. No member can give more than ten Cut Motions on each Demand.

LEGISLATIVE COMMITTEES

The major tasks of a legislature in a Parliamentary form of Government are discussion of public affairs and inquest into the administration. To realize these two objectives, the Committee system has been introduced and employed. For policies, there are Select Committees on Bills, and for financial matters there are the Estimates Committee, the Public Accounts Committee and the Committee on Public Undertakings. For the inquest into administration there are Consultative Committees for each of the important Departments of Administration. The official representatives of the Department are present during the meetings and they answer enquiries and Questions of the members.

Rules of Procedure and Conduct of Business in the Legislative Assembly provide for the constitution of the following Committees:

(i) Committee on Estimates
(ii) Committee on Public Accounts
(iii) Committee on Public Undertakings
(iv) Committee of Privileges

(v) Business Advisory Committee
(vi) Committee on Delegated Legislation
(vii) Committee on Government Assurances
(viii) House Committee
(ix) Rules Committee
(x) Committee on Petitions
(xi) Library Committee
(xii) Committee on Papers Laid on the Table.

The members of the Committee on Estimates, Committee on Public Accounts and Committee on Public Undertakings and the Committee of Privileges are elected by the Assembly from among its members according to the principle of proportional representation by means of single transferable vote. The Deputy Speaker is the ex-officio Chairman of the Committee of Privileges. The Chairman of the other three Committees referred to above are nominated by the Speaker. The Chairman and members in respect of the other Committees are nominated by the Speaker. The Speaker is the Chairman of Business Advisory Committee, Committee on Rules and Library Committee.

Financial Standing Committees: Of the Standing Committees of the House, there are three Financial Standing Committees, namely, the Committee on Estimates, Committee on Public Accounts and Committee on Public Undertakings. Each Committee consists of sixteen members who are nominated by the Assembly from among its members according to the principle of proportional representation by means of single transferable vote. The Finance Minister is the *ex officio* member of each Committee. The Chairman of any two Financial Committees are also the *ex officio* members of the third Financial Committee. The term of office of the members shall not exceed one year. The Chairman of each Financial Committee is nominated by the Speaker from among the members of the Committee.

Committee on Estimates: The functions of the Committee are:

(a) to report what economies, improvements in organisation, ef-

ficiency or administrative reform, consistent with the policy underlying the Estimates may be effected;

(b) to suggest alternative policies in order to bring about efficiency and economy in administration;

(c) to examine whether the money is well laid out within the limits of the policy implied in the Estimate; and

(d) to suggest the form in which the Estimates shall be presented to the Legislature.

Provided that the Committee shall not exercise its function in relation to such Public Undertakings as are allotted to the Committee on Public Undertakings by the Rules or by the Speaker.

Committee on Public Accounts: The Committee on Public Accounts is nominated for the examination of Accounts showing the appropriation of sums granted by the House for the expenditure of the State Government and such other Accounts laid before the House as the Committee may think fit. For scrutinising the Appropriation Accounts of the State and the report of the Comptroller and Auditor-General thereon it is the duty of the Committee to satisfy itself:

(a) that the moneys shown in the Accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;

(b) that the expenditure conforms to the authority which governs it; and

(c) that every re-appropriation has been made in accordance with such rules as may be prescribed by the Governor or by the Finance Department, as the case may be.

It shall also be a duty of the Public Accounts Committee:

(a) to examine such trading, manufacturing and profit and loss accounts and balance sheets, as the Governor may have required to be prepared, and the Comptroller and Auditor-General's report thereon; and

(b) to consider the report of the Comptroller and Auditor-General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stock.

If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee shall examine with reference to the facts of each case the circumstances leading to such an excess and make such recommendations as it may deem fit.

Committee on Public Undertakings: The functions of the Committee are:

(a) to examine the Reports and Accounts of the Public Undertakings specified in Appendix E and such other Undertakings as may be notified by the Speaker from time to time;

(b) to examine the reports, if any, of the Comptroller and Auditor-General on the Public Undertakings;

(c) to examine, in the context of the autonomy and efficiency of the Public Undertakings whether the affairs of the Public Undertakings are being managed in accordance with actual business principles and prudent commercial practices; and

(d) to exercise such other functions vested in the Committee on Public Accounts and the Committee on Estimates in relation to the Public Undertakings and as may be allotted to the Committee by the Speaker from time to time.

Provided that the Committee shall not examine and investigate any of the following matters, namely:

(i) matters of major Government policy as distinct from business or commercial functions of the Public Undertakings;

(ii) matters of day-to-day administration;

(iii) matters for the consideration of which special machinery is established by any special statute under which a particular

Public Undertaking is established.

By convention, the Reports of the Committees are not generally discussed in the House. The Reports of all Committees are presented only to the House and not to the Presiding Officer. However, the Reports of the Committee on Rules are laid on the Table of the House and are not presented to the House. The recommendations of Business Advisory Committee are generally announced in the House. The Reports of the Committee of Privilege are considered by the House which decide on the further course of action.

LEGISLATIVE PRIVILEGES

The privileges of Legislature, its members and Committees are specified in the Constitution, certain statutes and the Rules of Procedure of the House. A member wishing to raise a matter of Privilege before the commencement of the sitting of the day on which he proposes to raise the point, leaves with the Speaker a written notice of the matter proposed to be raised. Provided that in respect of a matter of Privilege arising during the sitting of the House, the Speaker may waive such notice. A matter of Privilege must be raised after the Question Hour and before the List of Business for the day is entered upon. A matter of Privilege arising during the sittings of the House is entitled to immediate precedence over all other business. When a member has with the consent of the Speaker raised a matter of Privilege, the Speaker reads the matter to the House and decides whether a *prima facie* case of breach of Privilege has been made out or not therein. If the Speaker holds that *prima facie* case exists, he may allow a Motion to be made by any member that the alleged breach of Privilege be referred to the Committee of Privileges, or in the alternative, that it be dealt with by the House itself. If the matter is referred to the Committee of Privileges, the Committee follows, as far as possible, the same procedure as a Select Committee of the Assembly and makes a report to the House.

Committee of Privileges: A Committee of Privileges is constituted at the commencement of each financial year, consisting of the Leader of

the House and the Leader of the Opposition and the Deputy Speaker who are members *ex-officio* and fourteen other members to be elected by the Assembly on a date to be fixed by the Speaker according to the principle of proportional representation by means of single transferable vote and in accordance with the regulations framed on this behalf by the Speaker. The members of the Committee so elected cease to hold office at the end of each financial year but members are also eligible for re-election. There is a fresh election before the end of the financial year for constituting the Committee for the ensuing financial year. The Deputy Speaker is the *ex-officio* Chairman of the Committee. In order to constitute a meeting of the Committee, the quorum is five including the Chairman or the member presiding.

SERVICING OF LEGISLATURE

The Secretary: The Secretary is appointed either by promotion from category 2 of Class I of the Tamil Nadu Legislative Assembly Secretariat Service; or on transfer from the State Judicial Service; or by direct recruitment. He is the administrative Head of the Secretariat. All orders are issued under his designation. All financial sanctions within the Budget provisions are issued by him. He is the appointing authority for the posts below the rank of Under Secretary. His position and status, powers and privileges are similar to that of any other Secretary to the Government of the State.

There is no fixed tenure of office for the Secretary. He retires at the age of fifty-eight years. His status is on par with the other officers belonging to the All India Service on the basis of the length of service. Table 5 gives the tenure of successive Secretaries, Legislative Assembly.

The Secretariat: A separate office for the Legislative Council was first established in 1920. Secretary and other assistants were appointed by order in writing by the Governor and they held office during his pleasure.

In 1937 the Secretary of the Assembly was given the status of a Secretary to the Government with the powers to deal with matters

connected with his Secretariat and matters relating to Travelling Allowances of Members, House Committee, Establishment, Amendments to Rules of Procedure of the Legislature, Budget and Budget Motions. This Department, however, continued to be under the administrative control of another Department of Government, viz., the Public (Elections) Department.

Table 5: Successive Heads of the Legislative Assembly Secretariat

Sl. No.	Name	Tenure From	To
1.	Thiru D.K.V. Raghava Verma	1-2-1946	1-12-1950
2.	Thiru R.V. Krishna Ayyar	24-4-1952	23-3-1955
3.	Thiru T. Hanumanthappa	24-3-1955	17-10-1964
4.	Thiru C.D. Natarajan	18-10-1964	13-5-1973
5.	Thiru M. Shanmugasubramaniam	14-5-1973	30-6-1976
6.	Thiru G.M. Alagarswamy	1-7-1976	30-6-1985
7.	Thiru C.K. Ramaswamy	1-7-1985	31-5-1990
8.	Thiru T.P. Delhi Dorai	31-5-1990 AN	30-6-1991
9.	Thiru C.S. Janakiraman	30-6-1991 AN	To date

When the Constitution came into force in 1950 the Governor in exercise of the powers conferred by clause 3 of Article 187 of the Constitution, after consultation with the Speaker of the Assembly and the Chairman of the Council framed the Madras Legislature Secretariat Service Rules which came into force with effect from 24th March 1955. But the service conditions of the officials and staff are now governed by a separate set of Service Rules called the Tamil Nadu Legislative Assembly Secretariat Service Rules. A separate Legislature Department under Article 187 (1) was formed in August 1956 like any other Departments of the Secretariat. This Department was bifurcated as Legislative Assembly and Legislative Council Departments in May 1960. In February 1984, the Legislative Assembly Secretariat came into being with independent status and powers of a Department of Government in the Secretariat including the power of circulation.

There are at present 28 Sections in the Secretariat including the following:

1. Office Procedure Sections
2. Bills Sections–I, II and III
3. Estimates Committee Section
4. Public Accounts Committee Sections
5. Public Undertakings Committee Sections
6. Hostel Sections
7. Library Section
8. Questions Sections
9. Reporting Section
10. Delegated Legislation Section
11. Assurances Committee Section
12. Travelling Allowance Sections
13. Reference & Research Section
14. Petitions Committee Section

Library, Research, Reference and Information Services: The Tamil Nadu Legislature Library was established in 1920 on a regular basis and in the course of the years it has acquired a large collection of useful books for the members. The Library is located in the Ground Floor of the Old Secretariat building at Fort St. George. The Legislature Library is mainly intended for the use of the members of the Tamil Nadu Legislature. However, officers of the Legislature Secretariat and the Departments of the Secretariat are allowed to consult books and other publications for official purposes. Besides, bona fide research scholars are also allowed to make use of the Library.

The Library has a good collection of books on Humanities, especially in the disciplines of History, Politics, Law, Economics, Geography, Industrial Management, Physiology, Literature and Sociology, besides Codes and Manuals, House of Commons Debates, Congressional Records of U.S.A., Proceedings of the Parliament of Australia, Assembly and Council Debates of various States, Lok Sabha Debates,

Acts of Central and State Governments and Law Reports. Books are classified according to the Colon Classification System. Current issues of all leading periodicals and daily newspapers are made available in the Reading Room of the main Library at Fort St. George.

TRIPURA

ORIGIN AND GROWTH

The history of ancient Tripura is shrouded in obscurity which is why we get scant reference to the development of representative institutions in the State. Tripura remained a Princely State till 14th October 1949. For a short period before Independence, a Regency Council was formed in the State and the Regency Council was terminated with the signing of the agreement of merger of Tripura with the Indian Union in the month of September 1949. In the light of this merger, the State of Tripura became a Part 'C' State of India in October 1949 and came to be administrated by the Chief Commissioner. As a result of the reorganisation of States, effected in November 1956, Tripura became a Union Territory with an Advisory Committee to advise the Chief Commissioner. As a major step towards popularisation of democracy in Tripura, the Territorial Council was formed on 15 August 1957 with the 30 members of the Council to be elected on the basis of adult franchise and two to be nominated by the Government of India. On 1 July 1963 the Tripura Territorial Council was dissolved after the formation of a Council of Ministers and a Union Territory Legislative Assembly with the existing members of the Territorial Council. Incidentally the people of Tripura had earlier taken part in the First General Election in the country in 1952 to elect 30 members to the Electoral College to elect one member for the Rajya Sabha.

On 21 January 1972, Tripura became a full-fledged State with a Legislative Assembly of 60 members.

PARTIES AND MEMBERS

In the General Election of 1972 the Congress formed the Ministry. In

← State Legislature Building, Tripura.

the 1978 election the Left Front secured an overwhelming majority and formed the Government. The Communist Party (Marxist)-led Left Front Ministry ruled for about 10 years under the leadership of Sri Nripen Chakraborty. But in the last General Election, held in February 1988, the Congress (I)-Tripura and Upajati Juba Samiti (T.U.J.S.) alliance sweeped the Poll and formed the Government.

Leader of the Opposition: The Leader of the Opposition is chosen from the members of the largest Opposition party after consultation with the party concerned. But the party so selected must have the strength of commanding the quorum of the House. The Leader of the Opposition enjoys the same privileges, amenities and status of the Ministers of the Cabinet rank. He is provided with an office in the Legislature Secretariat premises.

Oath / Affirmation: Every member of the House, in pursuance of Article 188, before taking his seat makes and subscribes before the Governor or some person appointed in this behalf by him an oath or affirmation according to the form set out for the purpose in the Third Schedule of the Constitution.

Resignation: A member of the Assembly ceases to be a member and his seat becomes vacant if he resigns his seat and his resignation is accepted by the Speaker of the Legislative Assembly.

Absence from House: Rules 360 to 364 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly deal with the procedure of leave of absence from the sittings of the House. A member desiring permission of the House to remain absent from the sittings of the House applies to the Speaker specifying the period of leave, indicating the date of commencement and of termination of such leave of absence and the grounds for it. The leave of absence applied for at any one time should not exceed a period of sixty days. All applications under Rule 360 stand referred to the Committee on Absence of Members from the sittings of the House.

Committee on Absence of Members: Rules 276 to 279 lay down the

provisions for the constitution and functions of the Committee on Absence of Members. The Committee consists of nine members nominated by the Speaker for a period of one year.

The Committee considers all applications from members for leave of absence from the sittings of the House and examines every case where a member has been absent from the sittings of the House for a period of sixty days or more, without permission. It reports whether the absence should be condoned or circumstances of the case justify that the House should declare the seat of the member vacant. Besides, the Committee performs such other functions in respect of attendance of members in the House as may be assigned to it by the Speaker from time to time.

SESSIONS AND SITTINGS

Normally, the Legislative Assembly holds four Sessions in a year. The duration of each Session varies from seven to ten days except, of course, the Budget Session which continues for about a fortnight.

Issue of Summons: The Assembly is summoned by the Governor from time to time to meet at such time and place as he may appoint. The Summons to members are issued by the Secretary fifteen days before the date so appointed. In case of Emergent Session members are informed about the date and place telegraphically and the announcement is published in the Gazette and the Press.

After the commencement of a Session, the Assembly sits on such days as the Speaker may, from time to time having regard to the state of business of the Assembly, determine. Unless the House otherwise determines, there are no sittings on Saturdays, Sundays and other public holidays.

A sitting of the House is presided over by the Speaker or any other member competent to preside over a sitting of the House under the Constitution or the rules. The Assembly ordinarily meets from 11 a.m. to 5 p.m. with one hour's break from 1 p.m. to 2 p.m. unless the Speaker otherwise directs. The Speaker determines the time when a sitting of the House is to be adjourned *sine die* or to a particular day, or to an

hour or part of the same day, where however, the House is adjourned *sine die*, ten days' notice is ordinarily given to members of the date on which the Assembly reassembles. The Speaker may call a meeting of the Assembly for an earlier or later date than the date to which it stands adjourned.

Prorogation of Legislative Assembly: Rule 7 lays down that whenever it appears to the Governor that the Assembly should be prorogued, he may cause a notification to be published in the official Gazette. When the Governor prorogues the House, he may address the House.

BUSINESS OF THE HOUSE

A List of Business for the day is prepared by the Secretary and a copy is made available for the use of every member.

Order of Business: On days allotted for the transaction of Government business no business except Government business is transacted without the consent of the Speaker. The Secretary arranges the business in such order as the Speaker may, in consultation with the Leader of the House, decide.

Rule 349 lays down the relative precedence of different classes of business before the House. The order is as follows:

(i) Oath or Affirmation.

(ii) Questions (including Short Notice Questions).

(iii) Obituary References.

(iv) Papers to be Laid on the Table.

(v) Communication of messages from the Governor.

(vi) Intimation regarding President's/Governor's assent to Bills.

(vii) Communications from Magistrate or other authorities regarding arrest or detention or release of members of the House.

(viii) Presentation of Reports of Committees.

(ix) Laying of Evidence before Select Committee in respect of Bills.

(x) Presentation of Petitions.

(xi) Questions involving a Breach of Privilege.

(xii) Leave to move Motions for adjournment of the business of the House.

(xiii) Calling Attention Notices.

(xiv) Announcement by the Speaker regarding leave of absence of members from the sittings of the House.

(xv) Announcement by the Speaker regarding various matters, e.g., resignation of members of the House, nomination to panel of presiding members, Committees, etc.

(xvi) Rulings or Announcements by the Speaker.

(xvii) Miscellaneous Statements by Ministers.

(xviii) Personal Statement by the ex-Minister in explanation of his resignation.

(xix) Motion for election to Committee.

(xx) Motion for extension of time for Presentation of Report of Select Committee on a Bill.

(xxi) Bill to be Withdrawn.

(xxii) Bill to be Introduced.

(xxiii) Laying of Explanatory Statement giving reasons for immediate legislation by Ordinances.

(xxiv) Motion for Adoption of Report of Business Advisory Committee.

(xxv) Motion for leave to move Resolution for removal of Speaker/Deputy Speaker.

(xxvi) Motion for leave to make a Motion of No-Confidence in the Council of Ministers.

(xxvii) Consideration of the Report of Committee of Privileges.

Business Advisory Committee: The Business Advisory Committee in the Tripura Assembly is nominated by the Speaker. The Speaker and

the Deputy Speaker are the *ex-officio* members and the former is the *ex-officio* Chairman of the Committee.

It is the function of the Committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills or other Government business as the Speaker, in consultation with the Leader of the House, may direct to be referred to the Committee. The Committee also discharges such other functions relating to the business of the House as may be assigned to it by the Speaker from time to time.

Private Members' Business: Unless otherwise directed by the Speaker, the last two and half hours of a sitting on Friday are allotted for the transaction of Private Members' Business. On a day allotted for the disposal of Private Members' Business, such business have relative precedence in the following order, namely:

(a) Bills to be introduced, viz., Bills in respect of which the Motion is that leave be granted to introduce the Bill.

(b) Resolutions on matters of general public importance.

(c) Bills which have been introduced, viz.:

  (i) Bills returned by the Governor with a message under Article 200 and 201 of the Constitution;

  (ii) Bills in respect of which a Motion has been carried that the Bills be taken into consideration;

  (iii) Bills in respect of which the Report of a Select Committee has been presented;

  (iv) Bills which have been circulated for the purpose of eliciting opinion thereon;

  (v) Bills introduced and in respect of which no further Motion has been made or carried;

  (vi) Other Bills.

The relative precedence of Bills falling under the same clause of Rule 35, is determined by ballot, to be held in accordance with the orders made by the Speaker, on such day as the Speaker may direct.

Rules of Debate: A member desiring to speak on any matter before the House has to rise in his place and try to catch the Speaker's eye. He speaks only if and when he is called upon to speak. If a member is suffering from sickness or infirmity, he may be permitted by the Speaker to speak while sitting. The matter of every speech must be strictly relevant to the matter under discussion.

A member, while speaking or answering a Question should not: *give any evasive reply to any Question; express any opinion or make any comment on any matter or fact on which a judicial decision is pending; make a personal charge against a member or impute improper motive to a member; use offensive expression about the conduct or proceedings of the Parliament or Legislature of any State or Union Territory; reflect on any decision of the House except on a Motion for rescinding it; reflect upon the conduct of the President or any Governor or Administrator or the conduct of any Court of Justice sitting as such; utter treasonable, seditious or defamatory words, but he may, with the permission of the Speaker, quote them for the purpose of his argument; use the President's or Governor's name for the purpose of influencing the debate; reflect upon the conduct of any person whose conduct can only be discussed on a substantive Motion drawn upon proper terms under the Constitution; use his right of speech for the purpose of obstructing the business of the House; and discuss or Question any ruling or direction of the Speaker or any order of the Speaker disallowing a Question, Resolution or Motion.*

A member may, with the permission of the Speaker, make a personal explanation although there is no Question before the House, but in this case no debatable matter may be brought forward and no debate shall arise. The Speaker, after having called the attention of the Assembly to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech. After the member who makes a Motion has spoken, other members may speak on the Motion in such order as the Speaker may determine. If any member when called upon by the Speaker does not speak, he would not be entitled, except by the permission of the Speaker to speak on the Motion at any later stage of the debate. Except

in the exercise of a right of reply or as otherwise provided by these rules, no member is entitled to speak more than once on any Motion, except with the permission of the Speaker.

Whenever the debate on any Motion in connection with a Bill or on any other Motion becomes unduly protracted, the Speaker may, after taking the sense of the House, fix a time limit for the conclusion of discussion on any stage or all stages of the Bill or the Motion, as the case may be.

The Speaker has the final authority to enforce the rules of debate and order in the Assembly; he may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the House. And a member so ordered to withdraw has to do so forthwith and absent himself during the remainder of the day's sitting. As per Rule 326 the Speaker may, if he deems it necessary, name a member who disregards the authority of the Chair or abuses the rule of the House by persistently and wilfully obstructing the business thereof. If a member is so named by the Speaker, the Leader of the House forthwith makes a Motion to the effect that the member so named be suspended from the service of the House for a period not exceeding the remainder of the Session. A member suspended under this rule has to forthwith withdraw from the precincts of the House.

Voting Procedure: Votes may be taken by voice or by division or by show of hands depending on the satisfaction of the Speaker. On the conclusion of a debate, the Speaker puts the Question and invites those who are in favour of the Motion to say 'Aye' and those against the Motion to say 'No'. If the opinion of the Speaker as to the decision of the Question is challenged, he shall order that the Lobby be cleared. After the lapse of two minutes, he puts the Question a second time and declares whether in his opinion the 'Ayes' or the 'Noes' have it. If the opinion so declared is again challenged, he directs the 'Ayes' to go into the Right Lobby and the 'Noes' into the Left Lobby. After the voting in the Lobbies is completed, the decision is announced by the Speaker which is not challenged.

Language of the Assembly: The business in the Legislative Assembly is transacted in the official language or languages of the State or in

Hindi or in English. The Presiding Officer may permit any member who cannot adequately express himself in any of the languages aforesaid to address the Assembly in his mother-tongue.

PRESIDING OFFICERS

The election of the Speaker is held on such date as the Governor may fix. The date so fixed shall, in the case of a vacancy occurring during the term of the Assembly, be not beyond 15 days from the date of the occurrence of the vacancy if the Assembly is at the moment sitting and the date on which the Assembly first meets thereafter if it is not so sitting. At any time before 1 p.m. on the day preceding the date so fixed, any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder, and stating the name of the member nominated, and that the proposer has ascertained that such member is willing to serve as Speaker, if elected.

On the date fixed for election, in the case of a new Assembly, the member appointed by the Governor to preside and in any other case the Deputy Speaker or the member presiding, as the case may be, reads out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders. At any time before the election any candidate so nominated may withdraw his name from the election by informing the Presiding Officer orally or in writing about it. If after the withdrawals, if any, only one member remains nominated, he is declared elected. If more than one member remain nominated, the Assembly proceeds to elect a Speaker by ballot. Where more than two candidates have been nominated at the first ballot no candidate obtains more votes than the aggregate votes attained by the other candidates, the candidate who has obtained the smallest number of votes is excluded from the election and balloting proceeds, the candidate obtaining the smallest number of votes at each ballot being excluded from the election until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be. Where at any ballot any two or more candidates obtain an equal

number of votes, the candidate to be excluded from the election is to be determined by drawing of lots in such manner as the person presiding may decide.

The election of the Deputy Speaker is held on such date as the Speaker may fix and the procedure of election remains the same as that of the Speaker.

According to Rule 11, the Speaker nominates from amongst the members of a panel of not more than four Chairmen to preside over the sittings of the House in the absence of both the Speaker and the Deputy Speaker.

In addition to the powers and jurisdiction of the Speaker and the Deputy Speaker as provided in the Constitution and the Rules of Procedure, the Speaker enjoys full financial and administrative control over the Secretariat of the Legislature. The Speaker is the appointing authority of all categories of posts excepting the post of Secretary and Class I posts, appointments to which are made by the Governor in consultation with the Speaker.

A member wishing to give a notice of a Resolution under Clause (C) of Article 179 for the removal of the Speaker or the Deputy Speaker from his office may do so in writing after giving 14 days' notice to the Secretary. Subject to the provisions of Article 181 the Speaker or the Deputy Speaker or such other person, as is referred to in Clause (2) of Article 180 presides when a Motion for removal under the foregoing rule is taken up for consideration.

The member in whose name the Motion stands may withdraw the Motion, but if he does not do so, he has to ask for the leave of the House to move the Motion. No speech is permitted at this stage, but the mover may briefly state the reasons for bringing the Motion.

The Speaker or the presiding member asks those members who are in favour of leave being granted to rise in their places. If less than one-fifth of the total number of the then members of the House rise in their places, the Speaker informs the mover that he has not the leave of the House to move the Resolution.

In case the mover obtains the leave of the House to move the Resolution according to the provisions of the rule, the Resolution is

included in the List of Business to be taken up on some appointed day.

Such a Resolution is taken up after the Question Hour and before any other business is entered upon.

The speeches on the Resolution should not exceed 15 minutes in duration. But the mover of the Resolution may speak for such longer time as the member presiding may permit.

PROCESS OF LEGISLATION

The Governor may order the publication of any Bill (together with the Statement of Objects and Reasons and the Financial Memorandum, if any, accompanying it) in the Gazette, although no Motion has been made for leave to introduce the Bill. In that case, it is not necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it is not necessary to publish it again.

Any member, other than a Minister, desiring to move for leave to introduce a Bill, gives notice of his intention and together with the notice, submits a copy of the Bill and an explanatory Statement of Objects and Reasons which should not contain arguments. If notice is given of a Motion to introduce a Bill which under the Constitution cannot be introduced without the previous sanction of the President or recommendation of the Governor and unless such previous sanction or recommendation has been intimated, the Speaker shall, as soon as may be after the receipt of the notice, refer the Bill to the Governor for obtaining the sanction of the President or for his recommendation, as the case may be, and the notice shall not be valid unless the Governor has indicated the previous sanction or recommendation required has been granted. The period of notice of a Motion for leave to introduce a Bill is 14 days unless the Speaker allows the Motion to be made at shorter notice.

A Bill, which is dependent wholly or partly upon another Bill pending before the House, may be introduced in the House in anticipation of the passing of the Bill on which it is dependent:

Provided that the second Bill is taken up for consideration and passing in the House only after the first Bill has been passed by the

House and assented to by the Governor or the President, as the case may be.

When a Bill is pending before the House, notice of an identical Bill, whether received before or after the introduction of the pending Bill, is removed from or not entered in the list of pending notices, as the case may be, unless the Speaker otherwise directs.

The order of the President or the Governor granting or withholding the sanction or recommendation, as the case may be, to the introduction or consideration of a Bill is communicated to the Secretary by the Minister concerned in writing.

A Bill involving expenditure is accompanied by a Financial Memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into a law.

Whenever a Bill seeking to replace an Ordinance with or without modification is introduced in the House, it is placed before the House alongwith a statement explaining the circumstances which had necessitated immediate legislation by Ordinance.

Whenever an Ordinance, which embodies wholly or partly or with modification the provisions of a Bill pending before the House, is promulgated, a statement explaining the circumstances which had necessitated immediate legislation by Ordinance is laid on the Table at the commencement of the Session following the promulgation of the Ordinance.

If a Motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the Motion, may, without further debate, put the Question:

Provided that where a Motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon. If such a Motion be carried, the Secretary reads the title of the Bill and the Bill is thereupon deemed to be introduced in the Assembly. As soon as may be after a Bill has been introduced, the Bill, unless it has already been

published, is published in the Gazette.

When a Bill is introduced, or on some subsequent occasion, the member in-charge may make one of the following Motions in regard to the Bill, namely:

(i) that it be taken into consideration; or

(ii) that it be referred to a Select Committee of the House; or

(iii) that it be circulated for the purpose of eliciting opinion thereon:

Provided that no such Motion is made until after copies of the Bill have been made available for the use of members and that any member may object to any such Motion being made unless copies of the Bill have been so made available for five days before the day on which the Motion is made, and such objection shall prevail, unless the Speaker allows the Motion to be made.

On the day on which any Motion referred to above is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its provisions are discussed generally, but the details of the Bill are not discussed further than is necessary to explain its principle. At this stage, no amendments to the Bill may be moved but:

(a) if the member in-charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee of the House, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the Motion;

(b) if the member in-charge moves that the Bill be referred to a Select Committee of the House, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the Motion.

Where a Motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried and the Bill is circulated in accordance with that direction and opinion are received thereon, the member in-charge, if he wishes to proceed with the Bill thereafter, moves that the Bill be referred to a Select Committee of the House, unless the Speaker

allows a Motion to be made that the Bill be taken into consideration:

Provided that if an amendment or a Motion for appointment of a Select Committee has been moved under this rule, any member may move that the House give instructions to the Select Committee to which the Bill is proposed to be referred to make some particular or additional provision in the Bill and if necessary or convenient to consider and report on amendments which may be proposed to the original Act which the Bill seeks to amend.

No Motion that a Bill be taken into consideration or be passed is made by any member other than the member in-charge of the Bill and no Motion that a Bill be referred to a Select Committee of the House, or be circulated for the purpose of eliciting opinion thereon is made by any member other than the member in-charge except by way of amendment to the Motion made by a member in-charge of a Bill is unable, for reasons which the Speaker considers adequate, to move the next Motion in regard to his Bill at any subsequent stage after introduction, he may authorise another member to move that particular Motion with the approval of the Speaker.

After the presentation of the final report of a Select Committee of the House on a Bill, the member in-charge may move:

(a) that the Bill as reported by the Select Committee of the House, be taken into consideration:

Provided that any member may object to the report being so taken into consideration if a copy of the report has not been made available for the use of members for five days before the day on which the Motion is made and such objection shall prevail, unless the Speaker allows the report to be taken into consideration; or

(b) that the Bill as reported by the Select Committee of the House, be recommitted to the same Select Committee or to a new Select Committee, either, without limitation, or with respect to particular clauses or amendments only, or with instructions to the Committee to make some particular or additional provisions in the Bill; or

(c) that the Bill as reported by the Select Committee of the House

be circulated or recirculated, as the case may be, for purpose of eliciting opinion or further opinion thereon.

If the member in-charge moves that the Bill as reported by the Select Committee be taken into consideration, any member may move an amendment that the Bill be recommitted or be circulated or recirculated for the purpose of eliciting opinion or further opinion thereon. The debate on a Motion that the Bill, as reported by the Select Committee of the House, be taken into consideration is confined to the report of the Committee and the matters referred to in that report or any alternative suggestions consistent with the principe of the Bill.

If notice of an amendment to a clause or schedule of the Bill has not been given two days before the day on which the Bill is to be considered any member may object to the moving of the amendment, and such objection prevails unless the Speaker allows the amendment to be moved: provided that in the case of a Government Bill, an amendment of which notice has been received from the member in-charge, does not lapse by reason of the fact that the member in-charge has ceased to be a Minister or a member and such amendment is printed in the name of the new member in-charge of the Bill.

If notice is given of an amendment which under the Constitution cannot be moved without the previous sanction of the President or recommendation of theGovernor and unless such previous sanction or recommendation has been intimated, the Speaker, as soon as may be, after the receipt of the notice, refers the amendment to the Governor for obtaining the sanction of the President or for his recommendation, as the case may be, and the notice shall not be valid unless the Governor has indicated that the previous sanction or recommendation required has been granted. The order of the President or the Governor granting or withholding the sanction or recommendation, as the case may be, to an amendment to a Bill is communicated to the Secretary by the Minister concerned in writing.

Amendments of which notice has been given are, as far as practicable, arranged in the list of amendments, issued from time to time, in the order in which they may be called. In arranging amendments raising the same question at the same point of a clause, precedence

may be given to an amendment moved by the member in-charge of the Bill. Amendments are arranged in the order in which notice thereof are received.

Amendments are ordinarily considered in the order of the clauses of the Bill to which they respectively relate; and in respect of any such clause a Motion shall be deemed to have been made: "That this clause stand part of the Bill." The Speaker may, if he thinks fit, put as one Question similar amendments to a clause: provided that if a member requests that any amendment be put separately, the Speaker shall put that amendment separately.

When a Motion that a Bill be taken into consideration has been carried, any member may, when called upon by the Speaker, move an amendment to the Bill of which he has previously given notice. An amendment moved may, by leave of the House, but not otherwise be withdrawn, on the request of the member moving it. If an amendment has been proposed to an amendment, the original amendment is not withdrawn until the amendment proposed to it has been disposed of.

Notwithstanding anything contained in these rules, the Speaker may, when a Motion that a Bill be taken into consideration has been carried, submit the Bill, or any part of the Bill, to the House clause by clause. The Speaker may call each clause separately. He may postpone the consideration of a clause. The consideration of the schedule or schedules, if any, follows the consideration of clauses. The Speaker may, if he thinks fit, put as one Question clauses and/or schedules, or clauses and/or schedules as amended, as the case may be, together to the vote of the House: provided that if a member requests that any clause or schedule or any clause or schedule as amended, as the case may be, be put separately the Speaker shall put that clause or schedule, or clause or schedule as amended, as the case may be, separately.

When a Motion that a Bill be taken into consideration has been carried and no amendment of the Bill is made, the member in-charge may at once move that the Bill be passed. Where a Bill has undergone amendments the Motion that the Bill as settled in the House be passed is not moved on the same day on which consideration of the Bill is concluded, unless the Speaker allows the Motion to be made. To such

a Motion no amendments may be moved which is not either formal, verbal or consequential upon an amendment made after the Bill was taken into consideration. The discussion on a Motion that the Bill or the Bill as settled in the House, as the case may be, be passed is confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member should not refer to the details of the Bill further than is necessary for the purpose of his argument which is of a general character.

After the Bill is passed by the House, the Secretary has the power to correct the patent errors and make such other changes in the Bill as are consequential upon the amendments accepted by the House. When a Bill is passed by the House, it is signed in triplicate by the Speaker and presented to the Governor for his assent.

The Governor may send the Bill back to the House with a message requesting that the House should reconsider the Bill or any specified provisions thereof or any such amendments as are recommended in his message. It is then laid on the Table. At any time after the Bill has been so laid on the Table, any Minister in the case of Government Bill, or, in any other case, any member may give notice of his intention to move that the amendments recommended by the Governor be taken into consideration. On the day in which the Motion for consideration is set down in the List of Business which may, unless the Speaker otherwise directs, be not less than two days from the receipt of the notice, the member giving notice may move that the amendments be taken into consideration. The debate on such a Motion is confined to consideration of matters referred to in the message of the Governor or to any suggestion relevant to the subject matter of the amendments recommended by the Governor.

If the Motion that the amendments recommended by the Governor be taken into consideration is carried, the Speaker puts the amendments to the House in such manner as he thinks most convenient for their consideration. An amendment relevant to the subject matter of an amendment recommended by the Governor may be moved, but no further amendment is moved to the Bill unless it is consequential upon, incidental or alternative to, an amendment recommended by the Governor.

When all the amendments have been disposed of the member giving notice of the Motion under Rule 143 may move that the Bill as originally passed by the House be passed again, or passed again as amended, as the case may be. If the Motion that the amendments recommended by the Governor be taken into consideration is not carried, the member giving notice of the Motion under Rule 143 may at once move that the Bill as originally passed by the House be passed again without amendment.

When a Bill is passed again by the House, the Bill is signed by the Speaker and presented to the Governor for his assent.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

The various procedural devices available for members to raise matters of public importance are the Questions, the Resolutions and the Motions.

Questions: A Question must relate to a matter of administration for which the Government is responsible. Its purpose is to elicit information or suggest action on a matter of public importance. There are three types of Questions:

(a) Starred Questions

(b) Unstarred Questions; and

(c) Short Notice Questions.

A Starred Question means a Question on which Supplementary Questions arising out of the answer given can be put with the permission of the Speaker. It is distinguished by placing one asterisk and is answered orally. An Unstarred Question means a Question for which a written reply may be given to the member concerned and on which no Supplementary Question is permissible.

Unless the Speaker otherwise directs, not less than 14 clear days' notice of Starred and Unstarred Questions is given in writing by the member to the Secretary. Such Questions shall ordinarily be for-

warded by the Secretary to the Government within seven days:

Provided that unless the Speaker otherwise decides, no Question is placed on the List of Questions for answer until the expiration of 7 days from the date of the notice of such Questions to the Minister or the Department concerned:

Provided further that if the Speaker is of opinion that a longer period is necessary to decide about the admissibility or otherwise of a Question, the Question is placed on the List of Questions for answer at a day later than it should have been fixed under the foregoing provision. If two or more members give notices of Starred and Unstarred Questions on the same subject and the Question of one of the members is accepted for answer, the names of the other members are bracketed with the name of the member whose Question has been accepted for answer, provided that in the opinion of the Speaker, all notices have a single self-contained Question covering all important points raised by the members. The Minister, in that case, gives his reply to the consolidated Questions.

A Short Notice Question means a Question relating to matters of urgent public importance that can be asked at a shorter notice and is answered orally. It is distinguished by placing two asterisks. Supplementary Questions arising out of the answer given can be put thereof with the permission of the Speaker. A member desiring to ask a Short Notice Question should give three clear days' notice of such a Question in writing to the Secretary. The Secretary ordinarily obtains the orders of the Speaker regarding the admissibility of the Question as a Short Notice Question within 24 hours of its receipt. An advance copy of the Question is sent to the Department concerned asa preliminary information. After the orders of the Speaker have been obtained, a copy of the Question is sent to the Minister concerned requesting him to inform the Secretary whether he agrees to answer the Question as a Short Notice Question. If the Minister agrees to answer it, it is placed immediately on the Agnda or so soon thereafter as the Speaker may direct. If the Minister concerned is not in a position to answer it at short notice and the Speaker is of opinion that it is of sufficient public importance, he may direct it to be placed as the first Question on the List of Questions for the day on which it would be due for answer

as a Starred Question. Where two or more members give Short Notice Questions on the same subject and the Question of one of the members is accepted for answer at short notice, the names of the other members are bracketed with the name of the member whose Question has been accepted for answer:

Provided that the Speaker may direct that all notices be consolidated into a single notice if in his opinion it is desirable to have a single self-contained Question covering all the important points raised by members and the Minister then gives his reply to the consolidated Questions:

Provided further that in the case of a consolidated Question the names of all the members concerned may be bracketed and shown against the Question in the order of priority of their notice.

Unless the Speaker otherwise directs, the first hour of every sitting is available for asking and answering of Questions, Short Notice Questions having precedence over others. A member cannot ask three Starred Questions on a single day. The Speaker may disallow any Question which asks for information on more than one subject. The Speaker decides on the admissibility of a Question and allots different days in rotation for answering of Questions. He has the power to convert a Short Notice Question into a Starred or Unstarred Question and a Starred Question into an Unstarred Question.

Short Duration Discussion: A member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. The notice is to be accompanied by an explanatory note stating reasons for raising a discussion on the matter in question. It should, furthermore, be supported by the signatures of at least two other members. If the Speaker is satisfied after calling for such information from the member who has given notice and from the Minister as he may consider necessary that the matter is urgent and is of sufficient importance to be raised in the House at an early date, he may admit the notice and, in consultation with the Leader of the House, fix the date and time on which such matter may be taken up for discussion. He announces the date and subject matter of the notice in the House

and allows such time for discussion not exceeding one hour as he may consider appropriate in the circumstances. There is no formal Motion before the House nor voting. The Speaker may prescribe time-limit for speeches.

Calling Attention Notice: A member desiring to call the attention of a Minister to any matter of urgent public importance gives notice in duplicate of such a matter at least half an hour before the commencement of the sitting to the Secretary on the day on which the matter is proposed to be raised. The Secretary send one copy of the notice to the Minister concerned. If the Speaker gives his consent to the said matter being raised, it is done so, after the Questions and before the List of Business is entered upon. The Minister may make a brief statement or ask for time to make a statement at a later hour or date. There is no debate on such statement at the time it is made. The number of Calling Attention Notices to be admitted on a particular day is left to the discretion of the Speaker subject to the provision of the Rules of Procedure.

Adjournment Motion: Subject to the provisions of the Rule a Motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker. Notice of an Adjournment Motion is given before the commencement of the sitting on the day on which the Motion is proposed to be made to the Speaker, the Minister concerned and the Secretary, respectively.

The Speaker takes up the Motion after the Questions and before the List of Business is entered upon and if he holds that the matter proposed is in order and gives his consent, he may call the member concerned who is to rise in his place and ask for leave to move the adjournment of the House. If objection to leave being granted is taken, the Speaker requests those members who are in favour of leave being granted to rise in their places, and if not less than one sixth of the total number of members of the House for the time being rise accordingly, the Speaker does intimate that leave is granted. If less than the required number of Members rise, the Speaker informs the member that he has not the leave of the House. If leave to make such Motion

is granted, the Motion is taken up an hour before the time fixed for the usual termination of the business of the day or if the Speaker so directs, at any earlier hour at which the business of the day may terminate. The debate, on a Motion to discuss a matter of urgent public importance, if not earlier concluded, automatically terminates on the expiration of two hours from the time when the discussion begins and thereafter no Question is put. The Speaker prescribes a time-limit for speeches.

Resolutions: A member or a Minister may move a Resolution relating to a matter of general public interest. A Resolution may be in the form of a declaration of opinion, or a recommendation; or may be in the form so as to record either approval or disapproval by the House of an act or policy of Government or convey a message, or command or urge or request an action; or call attention to a matter or situation for consideration by Government; or in such other form as the Speaker may consider appropriate.

A member other than a Minister who wishes to move a Resolution on a day allotted for private members' Resolutions, gives a notice to that effect at least two days before the date of ballot. The names of all members from whom such notices are received are balloted and those members who secure the first three places in the ballot for the day allotted for private members' Resolutions are eligible to give notice of not more than three Resolutions, with the order of priority indicated therein within two days after the date of the ballot. Only one Resolution of each of the three members can be entered in the List of Business. The Minister in-charge of the Department to which a Resolution relates may, immediately before the Resolution is moved, object to the Resolution or any part thereof on the ground that it cannot be discussed without detriment to the public interest. If the Minister does so object, the member in whose name the Resolution appears on the List of Business may either withdraw the Resolution or such part thereof or move the same by a formal Motion in the terms appearing in the said list, but without any speech. Immediately after a Resolution is so moved, the Minister-in-charge of the Department to which the Resolution relates may move that the Question may at once be put without discussion, and the Speaker, after permitting the

Minister and the mover of the Motion to make brief explanatory statements, may, with or without consulting the House as he may think necessary, put the Question thereon without debate.

A member in whose name a Resolution stands on the List of Business, when called upon by the Speaker, moves the Resolution and commences his speech by a formal Motion in the terms appearing in the List of Business. With the permission of the Speaker, the member can authorise any other member to move it on his behalf. After a Resolution has been moved, any member may, subject to the rules relating to Resolution, move an amendment to the Resolution. If notice of such amendment has not been given one day previous to the day on which the resolution is moved, any member may object to the moving of the amendment, and such objection prevails unless the Speaker allows the amendment to be moved. The Secretary makes available to the members from time to time lists of amendments of which notices have been received. No speech on a Resolution, except with the permission of the Speaker, exceeds fifteen minutes in duration.

Provided that the mover of a Resolution, when moving the same and the Minister concerned, when speaking for the first time, may speak for thirty minutes or for such longer time as the Speaker may permit. The discussion on Resolution should be strictly relevant and within the scope of the Resolution.

No-Day-Yet-Named Motion: No discussion of a matter of general public interest takes place except on a Motion made with the consent of the Speaker. If the Speaker admits notice of a Motion and no date is fixed for the discussion of such Motion, it is immediately notified in the Bulletin with the heading "No-Day-Yet-Named Motions". The Speaker may, after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such Motion.

No-Confidence Motion: A Motion expressing want of confidence in the Council of Ministers or a Motion disapproving the policy of the Council of Ministers in a particular respect may be made subject to the following restrictions, namely:

(a) leave to make the Motion is to be asked for after Questions and before the List of Business for the day is entered upon;

(b) the member asking for leave should, before the commencement of the sitting for that day, give to the Secretary a written notice of the Motion which he proposes to move.

If the Speaker is of opinion that the Motion is in order, he reads the Motion to the House and requests those members who are in favour of leave being granted to rise in their places, and, if not less than one-fifth of the total number of members of the House rise accordingly the Speaker intimates that leave is granted and that the Motion is taken on such day, not being more than ten days from the date on which the leave is granted, as he may appoint. After the leave is granted, the Speaker, at the appointed hour on the allotted day or the last of the allotted days, forthwith puts every Question necessary to determine the decision of the House on the Motion. The Speaker may, if he thinks fit, prescribe time-limit for speeches.

BUDGET IN LEGISLATURE

The annual financial statement or the statement of the estimated receipts and expenditure of the State in respect of every financial year is known as Budget. It is presented to the Assembly on such day as the Governor may appoint. The Budget is presented in such form as the Finance Minister may, considering suggestions, if any, of the Estimates Committee, consider best. No discussion on the Budget takes place on the day on which it is presented to the Assembly.

Demands for Grants: No Demand for Grant is made except on the recommendation of the Governor. A separate demand is ordinarily made in respect of the grant proposed for two or more Departments of the Government. The Finance Minister may include in one demand grants proposed for two or more Departments or make a demand in respect of expenditure, which cannot readily be classified under particular Departments. Each demand contains, first a statement of the total grant proposed, and then a statement of the detailed estimate

under each grant divided into items.

The debate pertaining to Budget takes place in two stages, namely:

(a) a general discussion

(b) the voting of Demands for Grants.

Rule 155 lays down that on days to be appointed by the Speaker which should not be earlier than two days subsequent to the day on which the Budget is presented and for such time thereafter, which should ordinarily be five days, as the Speaker may allot for this purpose, the House is at liberty to discuss the Budget, as a whole or any question of principle involved therein, but no Motion is moved at this stage, nor the Budget is submitted to the vote of the House. The Finance Minister has the general right of reply at the end of the discussion.

The voting on Demands for Grants takes place on such days (not exceeding 24) as the Speaker may, in consultation with the Leader of the House, allot for the purpose. The Demands for Grants are presented in such order and discussion continues for such time within the period allotted as the Leader of the House, in consultation with the Leader of the Opposition, may determine. On such days, no other business except the Questions are taken up without the consent of the Speaker. Motions may be moved at this stage to reduce or omit any grant but not to increase or alter the destination of a grant. No amendment to Motions to reduce any grant is permissible. When several Motions relating to the same demand are made, they are discussed in the order in which the heads to which they relate appear in the Budget. On the last day of the days allocated, half-an-hour or so before the close of the usual sitting of the day, the Speaker puts forthwith every Question necessary to dispose of all the outstanding matters in connection with the Demands for Grants; and this procedure is not to be anticipated by any Motion for adjournment or be interrupted in any manner whatsoever, nor any dilatory Motion is to be moved in regard thereto.

A Motion may be moved to reduce the amount of a demand in any of the ways, namely:

(i) the Disapproval of Policy Cut

(ii) the Economy Cut; and

(iii) the Token Cut.

Votes on Credit and Exceptional Grants: Notwithstanding anything contained in the Rules of Procedure Motions may be made for grants in advance in respect of the estimated expenditure for unexpected and exceptional grants under Article 206. Such demands are to be dealt with by the Assembly in the same manner as Demands for Grants in connection with the Budget and the rules on the subject apply to such demands subject to such modifications as the Speaker may deem necessary.

Vote on Account: A Vote on Account states the total sum required, and the various amounts needed for each Department or service or item of expenditure which composed that sum shall be stated in a schedule appended to the Motion. Amendments may be moved for the reduction of whole grant or for the reduction or omission of the items whereof the grant is composed. Discussion of a general nature is allowed on the Motion or any amendments moved thereto, but the details of the grant are not discussed further than is necessary to develop general points.

Appropriation Bill: Subject to the provisions of the Constitution, the procedure in regard to an Appropriation Bill is the same as for Bills generally with such modifications as the Speaker may consider necessary. At any time after the introduction in the House of an Appropriation Bill, the Speaker may allot a day or days, for the completion of all or any of the stages involved in the passage of the Bill by the House, and when such allotment has been made the Speaker may, one hour before the time fixed for adjournment for the allotted day or the last of the allotted days, as the case may be, forthwith put every Question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the day or days have been allotted. The debate on an Appropriation Bill is restricted to matters of public importance or administrative policy implied in the grants covered by the Bill which have not already been raised while the relevant

Demands for Grants were under consideration. If an Appropriation Bill is in pursuance of a Supplementary Grant, in respect of an existing service, the discussion is confined to the items constituting the same, and discussion is raised on the original grant or the policy underlying it save insofar as it may be necessary to explain or illustrate a particular item under discussion.

COMMITTEES

Rule 200 states that at the commencement of the First Session after each General Election and thereafter before the commencement of each financial year or from time to time when the occasion otherwise arises, different Committees for specific or general purposes are to be either elected or constituted by the House or nominated by the Speaker. Each of such Committees consists of nine members whose term of office is one financial year.

Out of the 14 Committees in the Tripura Legislative Assembly, 9 are Standing Committees and the rest are Elected Committees. There is no Select Committee in the Tripura Assembly. The following are the Committees of the Assembly:

(1) Estimates Committee
(2) Public Accounts Committee
(3) Public Undertakings Committee
(4) Business Advisory Committee
(5) Government Assurances Committee
(6) Petitions Committee
(7) Committee on Absence of Members from the Sittings of the House
(8) Privileges Committee
(9) Committee on Delegated Legislation
(10) Committee on Welfare of Scheduled Castes
(11) Committee on Welfare of Scheduled Tribes
(12) House Committee

(13) Library Committee

(14) Rules Committee.

Estimates Committee: The members of the Committee are elected by the House every year from amongst its members according to the principle of proportional representation by means of single transferable vote. No Minister is appointed as a member.

The functions of the Committee are:

(a) to report what economies, improvements in organisation, efficiency or administrative reforms consistent with the policy underlying the estimates, may be effected;

(b) to suggest alternative policies in order to bring about efficiency and economy in administration;

(c) to examine whether the money is well laid out within the limits of the policy implied in the estimates;

(d) to suggest the form in which the estimates shall be presented to the Assembly.

The Committee may continue its examination of the estimates from time to time throughout the financial year and report to the House as its examination proceeds. It is not incumbent on the Committee to examine the entire estimates of any one year. The Demands for Grants may be finally voted notwithstanding the fact that the Committee has made no rport.

Committee on Public Accounts: The members of the Committee on Public Accounts are elected by the House every year from amongst its members and no Minister is appointed as a member.

The functions of the Committee are to scrutinise the reports of the Comptroller and Auditor General of India relating to the Appropriation Accounts of the State, the annual financial accounts of the State or such other accounts or financial matters as are laid before it by the House or which the Committee deems necessary to scrutinise.

In scrutinising the Appropriation Accounts of the State Government and the report of the Comptroller and Auditor General thereon,

it is the duty of the Committee to satisfy itself:

(a) that the money shown in the account as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged;

(b) that the expenditure conforms to the authority which governs it; and

(c) that every re-appropriation has been made in accordance with such rules as may be prescribed by the Governor or by the Finance Minister, as the case may be.

It is also the duty of the Committee:

(a) to examine the statement of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes, concerns and projects together with the balance sheets and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the statutory rules regulating the financing of a particular Corporation, trading or manufacturing scheme or concern or project and the report of the Comptroller and Auditor General thereon;

(b) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies, the audit of which may be conducted by the Comptroller and Auditor General of India either under the directions of the Governor or under an Act of Parliament or of the State Legislature or under any law in force under Article 372 of the Constitution; and

(c) to consider the report of the Comptroller and Auditor General in case where the Governor may have required him to conduct an audit of any receipt or to examine the accounts of stores and stocks.

If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee shall examine with reference to the facts of each case the circumstances leading to such an excess and make such recommen-

dation as it may deem fit.

Committee on Public Undertakings: The Committee on Public Undertakings is constituted every year, whose members are elected by the members of the Assembly according to the principle of proportional representation by means of the single transferable vote. No Minister is elected as a member of the Committee. The members of the Committee hold office until a new Committee is constituted. They are eligible for re-election.

The functions of the Committee are:

(i) to examine the reports and accounts of the Public Undertakings specified in the Third Schedule and such other Undertakings as may be decided by the House from time to time;

(ii) to examine the reports, if any, of the Comptroller and Auditor General of India on the said Undertakings;

(iii) to examine, in the context of the autonomy and efficiency of the said Undertakings, whether their affairs are being managed in accordance with sound business principles and prudent commercial practices; and

(iv) such other functions vested in the Public Accounts Committee and the Estimates Committee in relation to the said Undertakings as are not covered by clauses (i), (ii) and (iii) above and as may be allotted to this Committee by the Speaker from time to time.

The Committee does not examine and investigate any of the following matters, namely:

(i) matters of major Government policy as distinct from business or commercial function of the said Undertakings;

(ii) matters of day-to-day administration;

(iii) matters for the consideration of which special machinery is established under any Statute.

LEGISLATIVE PRIVILEGES

A Question involving a breach of privilege either of a member or of the

House or of a Committee thereof may, with the consent of the Speaker, be brought to the notice of the House by–

(i) a complaint from a member;

(ii) a report from the Secretary;

(iii) a petition; or

(iv) a report from a Committee.

If the breach is committed in the actual view of the House, the House may take action without any complaint.

A member wishing to raise a Question of breach of privilege gives notice in writing to the Secretary before the commencement of the sitting on the day the Question is proposed to be raised. If the complaint is founded upon a document, the original copy thereof should accompany the notice. If the Speaker is satisfied that there is a *prima facie* case that a breach of privilege has been committed and that the matter is raised at the earliest opportunity he may allow the member to raise the matter as a Question of Privilege. A Question of Privilege must be raised immediately after Questions and before the List of Business for the day is entered upon. The right to raise a Question of Privilege is governed by the following conditions, namely:

(i) not more than one Question is raised at the same sitting;

(ii) the Question is restricted to a specific matter of recent occurrence; and

(iii) the matter requires the intervention of the House.

The Speaker refers the matter to the Committee on Privileges and if the Committee is of the opinion that a breach of privilege has been committed, the Committee may recommend the same and the House has the power to inflict the following punishments:

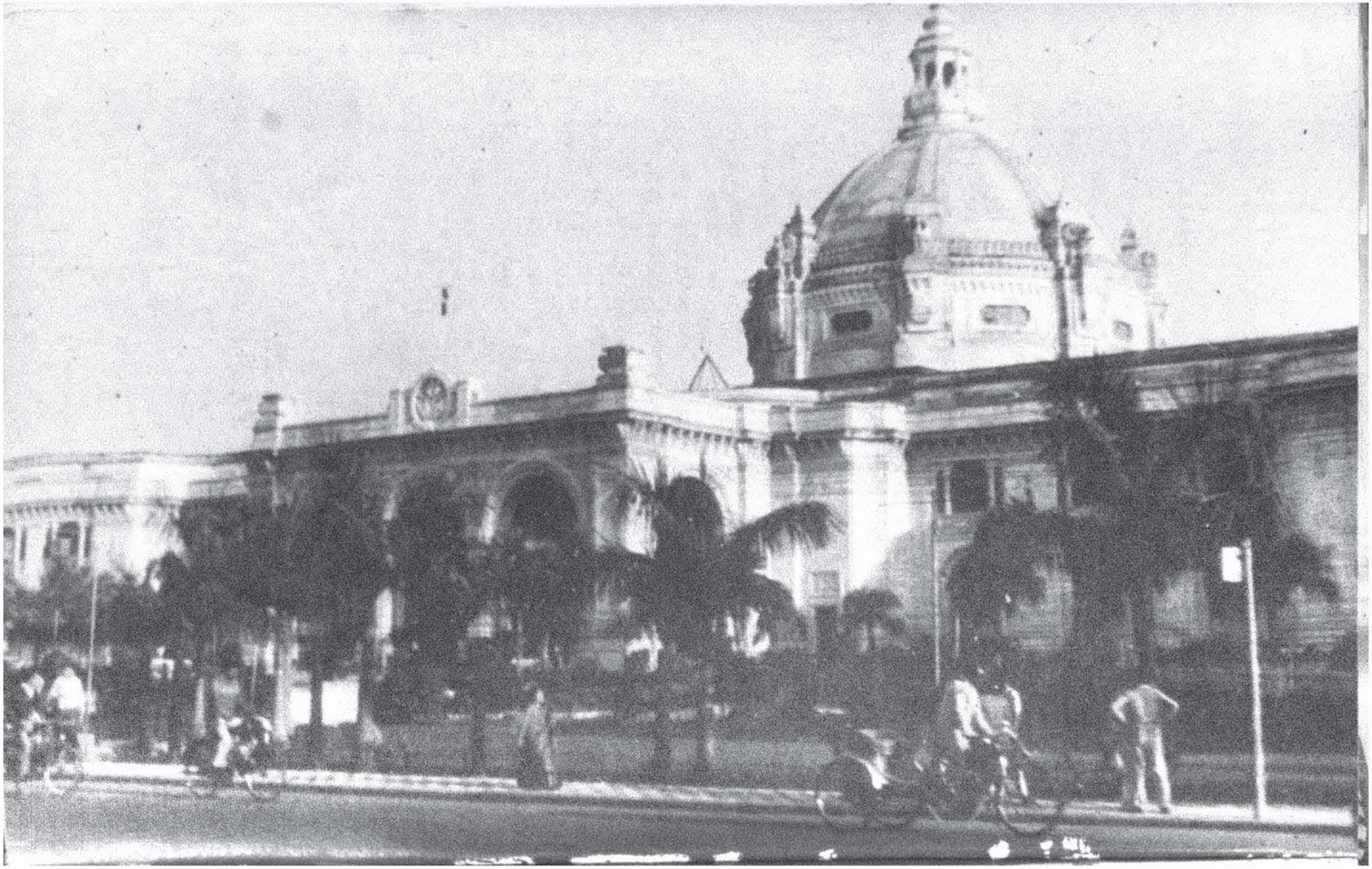
(a) admonition, (b) reprimand, (c) suspension of a member, (d) fine, (e) expulsion of a member, (f) imprisonment, the term whereof is at the pleasure of the House but cannot extend beyond the prorogation or dissolution, or (g) any other punishment which the House may deem proper and fit in pursuance of the provisions of

Article 194 of the Constitution.

Committee on Privileges: The Committee on Privileges consisting of nine members is nominated by the Speaker. The complaining member or the member complained against, if he be a member of the Committee, should not sit on the Committee so long as the matter complained by or against him, as the case may be, is under consideration before the Committee.

The Committee examines every Question referred to it and determine with reference to the facts of each case whether a breach of privilege is involved and if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit.

When a member is arrested on a criminal charge or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge, magistrate or executive authority, as the case may be, should immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, and also the place of detention or imprisonment of the member in the appropriate form set out for the purpose. No arrest is made within the precincts of the House without obtaining the permission of the Speaker. A legal process, civil or criminal, cannot be served within the precincts of the House without Speaker's permission. When a member is arrested and after conviction released on bail pending an appeal or otherwise released, such fact should also be intimated to the Speaker by the authority concerned in the appropriate form set out for the purpose.



UTTAR PRADESH

ORIGIN AND GROWTH

The territory called Uttar Pradesh was formerly known as North Western Province. In the year 1902 its nomenclature was changed to United Provinces of Agra and Oudh. In 1950 the State was renamed as Uttar Pradesh.

With the promulgation of the Indian Councils Act of 1861, the Councils of the presidencies of Bombay and Madras were reorganised, and the Governor-General-in-Council was authorised to establish similar Councils for Bengal, North Western Provinces (now Uttar Pradesh) and the Punjab. On 26 November 1889 a proclamation was issued by the Governor-General-in-Council, constituting the North Western Provinces and Oudh into a province for the purpose of the Indian Councils Act. The "Rules for the Conduct of Business at the meeting of the Council of the Lt.- Governor of the North Western Provinces and Oudh for the purpose of making laws and regulations" were framed by the Lt.- Governor of North Western Provinces with the sanction of the Governor-General-in-Council and were contained in the notification issued by the Home Department of the Government of India on 31 December 1886. By the notification dated 5 January 1887 issued by the General Department of the Government of North Western Provinces and Oudh, the Lt.-Governor, with the sanction of the Viceroy and Governor-General, appointed nine persons to be members of the Council of the Lt.-Governor of the North Western Provinces and Oudh. The term of members appointed to the Legislative Council on 5 January 1887 continued up to 4 January 1891, as the normal term of two years of their membership was extended by another two years.

As per the Indian Councils Act, 1892, the strength of the Legislative

– State Legislature Building, Uttar Pradesh.

Council for North Western Provinces and Oudh was increased to 15. The term of membership was two years. By this Act the rights to ask questions and to discuss the Budget in the House were given to members, though they could not move any cut motion to the Budget estimates. By the Indian Councils Act, 1909, the strength of the Council was increased to 46, of which 20 were official and 26 were non-official members. The non-official members were given the right to elect their representatives to the Finance Committee of the Governor. The term of membership was increased to three years.

With the coming into force of the Government of India Act, 1919, the United Provinces became a Governor's province. The strength of the Legislative Council was increased to 123 of which 100 were elected members and 23 members were nominated by the Governor.

In 1935, the Government of India Act came into force and a bicameral Legislature came into existence in the United Provinces, and the Legislative Council became the second chamber of the Legislature. It was made a permanent body, not subject to dissolution, but, as near as might be, one-third of the members thereof should retire every third year. The total strength was not to be less than 58 and more than 60. One special feature of the Government of India Act, 1935, was that a Minister who was a member of one of the two Houses of the Legislature could take part in the proceedings of the other House but he could not exercise his vote in the House of which he was not a member, Money Bills could not be initiated in the Legislative Council, Another feature of this Act was that in the event of disagreement between the two Houses in regard to any Bill, be it a Money Bill or otherwise, provision was made for holding a joint sitting of the two Houses. The President of the Legislative Council was to preside over such sittings. The Fifth Schedule of the Government of India Act, 1935 was substituted by the India (Provisional Constitution) Order, 1947 according to which the allocation of seats in the Legislative Council of the United Provinces was changed.

The composition of the Legislative Council was further changed under the Constitution of India. Formerly, the Legislative Council was constituted on the basis of political and professional representation. The allocation of seats in the Legislative Council of Uttar Pradesh was

revised by Section 10 of the Representation of the Peoples Act, 1950. Article 171 of the Constitution deals with the composition of the Legislative Councils.

The Legislative Assembly was constituted for the first time in United Provinces on 1 April 1937 in accordance with the Government of India Act 1935. The first Congress Ministers assumed office on 17 July 1937. On 3 November 1939 the Assembly was suspended by a proclamation of the Governor and it was dissolved on 8 September 1945. Next elections for the Uttar Pradesh Assembly were held in 1946, the Legislative Assembly was reconstituted and the new Government assumed office.

After independence, the Legislative Assembly met for the first time on 3 November 1947. According to the Constitution of India which came into force on 26 January 1950 the strength of the Assembly was fixed at 431 including one nominated from the Anglo Indian Community. Elections for 430 seats were held in 1952 and one seat was reserved for nomination of an Anglo-Indian member. There were 347 constituencies in U.P. of which 264 were single- member constituencies and the rest were double-member constituencies.

STRUCTURE OF LEGISLATURE

The Uttar Pradesh Legislature consists of the Governor and the two Houses known as the Legislative Council and the Legislative Assembly.

Legislative Council: Article 172 (2) of the Constitution provides that the Legislative Council of a State is not subject to dissolution, but as nearly as possible one-third of the members of the Legislative Council should retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law. At present, the Legislative Council of U.P. comprises 108 members.

Legislative Assembly: The normal tenure of the Assembly is five years unless dissolved earlier. The present strength of the Eleventh Legislative Assembly is 425 excluding one member of the Anglo-Indian Community.

Table 1 shows the successive terms of various Assemblies since independence.

Table 1

S.No.	Legislative Assembly	Tenure	
		From	To
1.	First	8.3.1952	31.3.1957
2.	Second	1.4.1957	6.3.1962
3.	Third	7.3.1962	9.3.1967
4.	Fourth	10.3.1967	15.4.1968
5.	Fifth	26.2.1969	4.3.1974
6.	Sixth	4.3.1974	30.4.1977
7.	Seventh	23.6.1977	17.2.1980
8.	Eighth	9.6.1980	10.3.1985
9.	Ninth	10.3.1985	29.11.1989
10.	Tenth	2.12.1989	3.4.1991
11.	Eleventh	22.6.1991	

Party Whips: The role and functions of the Whips of each party in the House are more or less the same as in Lok Sabha. In this State, according to convention, the Minister for Parliamentary Affairs holds the post of Chief Whip of the ruling party. There are Deputy Chief Whips and Whips for his assistance in the party. Other parties in the House have also their party Whips.

Leader of the Opposition: The expression 'Leader of the Opposition' has been defined in Section 2 (h) of the U.P. State Legislature (Members' Emoluments and Pension) Act, 1980, as the member of the Assembly, who is for the time being, recognised as such by the Speaker. In actual practice, the Speaker recognises the leader of the largest recognised opposition party which is capable of forming quorum in the House, as the Leader of the Opposition.

The Leader of the Opposition enjoys all the powers and privileges which are available to any other member of the Assembly, besides the following:

(1) The Leader of the Opposition is accorded priority amongst other members belonging to the Opposition in respect of the proceedings of the House.
(2) There is no time limit for the speech of the Leader of the Opposition on the amendments moved against the Motion of Thanks on the Governor's Address.
(3) When the House witnesses unusual disorder, the Chair seeks the help of the Leader of the Opposition in restoring normalcy.

Qualifications of Membership: In the Uttar Pradesh Legislative Assembly the qualification for membership are the same as enumerated in Articles 173 and 191 of the Constitution respectively. The Uttar Pradesh State Legislature (Prevention of Disqualification) Act, 1971, as amended from time to time, deals with removal or disqualifications of members.

Oath / Affirmation: When the new Assembly is constituted after every General Election, the members are invited to make and subscribe an oath or affirmation on the date fixed by the Cabinet. The date fixed for making oath or affirmation precedes the date fixed for the Governor's Address. The newly elected members are individually informed to attend the oath taking ceremony and to bring their certificates of election. Such oath is administered inside the Assembly Hall in accordance with the following precedence:

1. Leader of the House.
2. Leader of the Opposition.
3. Members nominated by the Governor under Article 188.
4. Other members of the Council of Ministers.
5. Lady members of the House.
6. Other members in the alphabetical order.

The oath taking ceremony continues till all the members present in the House have made and subscribed the oath or affirmation. All those members who are not present on the date so fixed for oath taking ceremony, normally make and subscribe oath in the Speaker's

Chamber. Instances are, however, not wanting when members have subsequently taken oath at a sitting of the House. If any member is detained in prison, he is brought to the Speaker's Chamber for making and subscribing the oath or affirmation.

Salary and Other Facilities: A member of the Uttar Pradesh Legislative Assembly is entitled to a salary of Rs. 850/- per month, a constituency allowance of Rs. 2600/- per month and daily allowance of Rs. 85/- for attending the sittings of the House or any Committee thereof. A member is also entitled for Rs. 85/- per day for public service if he produces a certificate for the same. He is also entitled to a travelling allowance (incidental charges) equal to 1st class railway fare in case of official journeys. The Chairmen of various Committees of the House get conveyance allowance of Rs. 400/- per month. Besides, a member is also entitled to the following facilities:

(a) *Housing Facilities*: Members are provided with free and furnished residential accommodation at Lucknow for full tenure of their membership. Those who are not provided with such accommodation are entitled to an allowance of Rs. 300/- per month. If a member is provided with an accommodation, the standard rent whereof is less than Rs. 300/- per month, the amount of difference is paid to such member as compensatory accommodation allowance.

(b) *Medical Facilities*: A member is entitled to a medical allowance of Rs. 600/- per month. Apart from this, members and their families are entitled to get indoor treatment in Government hospitals free of charge.

(c) *Telephone Facilities*: Every member is entitled to two telephones (one at his Lucknow residence and the other at the place of his normal residence outside Lucknow or at any place in his constituency). The charges for initial installation, its rental and two hundred fifty calls per quarter are borne by the Government, and the rest are payable by the member himself. Members having their private telephones can claim re-imbursement of the above charges.

(d) *Stenographic and Typing Facility*: During session days, the services of four typists are made available in the precincts of the Assembly. Separate stenographers have also been attached with the

Leader of the Opposition and the Chairmen of various Committees.

(e) *Research, Reference and Library Facilities*: These is a Library, Research and Reference Service for the use of the members.

(f) *Office Premises*: Each political party is provided with a separate furnished room in the precincts of the Assembly for the exclusive use of its members. Two telephones and an office peon have also been provided in every such room. Similar office room has also been provided to the Chairman of each Committee.

(g) *Postal and Stationery*: Post office and Public Call office are located in the Legislator's Hostel (Darul Shafa). The members are supplied with letterheads and envelopes on payment.

(h) *Restaurant*: Canteen facilities are available both in the Council House building as well as in various Legislator's Hostels.

(i) *Transport Facilities*: The following travel facilities are available to members:

> every member is entitled to money value of railway coupons to the extent of Rs. 54000/- per year. These coupons can be used by members for travelling in any class and by any railway throughout India along with their family members;
>
> every member is entitled, at his opinion, to be supplied with coupons of equal value for travel by air within or outside U.P., instead of such value of railway coupons as he may desire, in accordance with the rules made in this regard;
>
> every member is entitled to a free bus pass whereby he can travel free of charge in any bus belonging to the State Roadways Corporation along with a companion;
>
> the Leader of the Opposition is entitled to a chauffeur- driven car maintained at State expense and he can use free petrol up to 150 litres per month for journeys within Lucknow city; and
>
> the Chairmen of various House Committees are provided with suitable conveyance by rotation for local journeys from a pool of three cars.

Resignation: The procedure for the resignation of membership is laid down in Rule 279 of the Rules of Procedure and Conduct of

Business of the U.P. Legislative Assembly. When a letter of resignation from a member is received in the Speaker's office and the Speaker is satisfied that it is voluntary as well as genuine, he accepts the same. The fact of resignation is also announced in the House by the Speaker.

In order to decide whether a particular letter of resignation is voluntary and genuine, the Speaker may hold such inquiry as he deems fit. The resignation is normally made effective from the date from which the member intends to resign his seat.

Absence from House: If a member is absent without permission from the sittings of the House for a continuous period of 60 days as computed in accordance with Article 190 (4) of the Constitution, the Leader of the House or any other member may move that the seat of the absented member may be declared vacant (vide Rule 280 (6)) of the Rules of Procedure of U.P. Assembly). There is no instance of any seat being declared vacant after Independence. The Committee on the Absence of Members from the House does not exist in the U.P. Legislative Assembly.

Expulsion: There is no provision for expulsion of members from the House in the Rules of Procedure of U.P. Assembly and no member has yet been expelled from the membership of the Assembly. However, Rule 299 deals with the suspension of members from the service of the House. According to the said Rule, the Speaker may name a member if he fails to withdraw from the House on being so directed by the Chair or if the Speaker considers that the direction for the member to withdraw from the House is inadequate or where the member wilfully and persistently obstructs the proceedings of the House in a disorderly manner or if action under Rule 299 becomes necessary on successive occasions in the same session.

When a member is named by the Speaker, the Leader of the House or the Minister for Parliamentary Affairs or in their absence, any other member forthwith moves a motion that the member named may be suspended from the service of the House. If no period is specified in the motion, the suspension in no case exceeds the remaining period of the session. Rule 299-A further provides that if during any sitting of the House any member after entering into empty space in the Chamber of the House snatches or tries to snatch the papers kept on the table

of the servants of the House or tears or tries to tear them or throws or tries to throw any paper, file, etc., towards the Speaker's Chair or climbs or tries to climb the Speaker's Chair, such member shall, on being named by the Speaker or the presiding member, be deemed to have been suspended from the services of the House for the said sitting.

Socio-Economic Background: Tables 2 to 5 indicate the socio-economic background of members during the Eighth to Eleventh U.P. Legislative Assemblies.

Table 2: Distribution of members from Eighth to Eleventh Legislative Assemblies by age groups.

Age Group	Members of VIII Assembly (1980)	Members of IX Assembly (1985)	Members of X Assembly (1989)	Members of XI Assembly (1991)
25-30 years	13	18	7	12
31-35 years	30	53	28	36
36-40 years	42	56	73	66
41-45 years	72	76	71	68
46-50 years	69	67	64	52
51-55 years	49	45	40	51
56-60 years	32	33	43	26
61-65 years	16	23	24	23
66-70 years	13	15	16	14
71-75 years	3	3	3	3
76-80 years	3	3	—	—
81-85 years	—	1	1	—
86-90 years	1	—	—	—
Details not available	83	33	56	67
Vacant	—	—	—	8

Table 3: Educational background of members from Eighth to Eleventh Legislative Assemblies.

Educational Background	VIII Assembly members 1980	IX Assembly members 1985	X Assembly members 1989	XI Assembly members 1991
Junior High School or less	27	36	31	17
High School	62	53	42	40
Intermediate	42	42	39	53
Graduate	123	135	67	70
Law Graduate	—	—	113	57
Post-Graduate	87	100	61	102
Technical Education (Engineering or Medical)	14	20	14	9
Doctorate or Higher Education	3	13	2	3
Other Diplomas	—	—	7	2
Educational Qualification unknown	68	27	50	65
Vacant	—	—	—	8
Total	426	426	426	426

Table 4: Occupational background of members (from Eighth to Eleventh Legislative Assemblies)

Occupation	VIII Assembly Members 1980	IX Assembly members 1985	X Assembly members 1989	XI Assembly members 1991
Agriculturists	180	225	212	237
Retired Officers (Military, Police, etc.)	—	—	—	3
Political & Social workers	5	15	14	3
Advocates	60	75	76	44
Businessmen and Industrialists	52	39	20	20
Teachers & Educationists	24	20	23	26

Occupation	VIII Assembly Members 1980	IX Assembly members 1985	X Assembly members 1989	XI Assembly members 1991
Journalists & Writers	10	9	6	4
Technical Industries	3	—	—	—
Doctors	11	10	12	7
Engineers	1	1	2	2
Tailors	1	—	—	—
Transportation, etc.	—	—	4	9
Unknown	79	32	57	63
Vacant	—	—	—	8
Total	426	426	426	426

Table 5: Statement showing Legislative experience of members (from Eighth to Eleventh Legislative Assemblies)

Elected	VII Assembly Members 1980	IX Assembly Members 1985	X Assembly Members 1989	XI Assembly Members 1991
Elected 1st time	244	215	186	238
Elected 2nd time	87	114	124	80
Elected 3rd time	51	50	67	49
Elected 4th time	20	32	28	24
Elected 5th time	16	6	10	15
Elected 6th time	4	6	7	7
Elected 7th time	1	2	2	3
Elected 8th time	2	—	1	2
Elected 9th time	1	1	1	—
Vacant	—	—	—	8
Total	426	426	426	426

SESSIONS AND SITTINGS

Issue of Summons: The House is normally summoned by the Governor on the advice of the Council of Ministers. The decision of the Cabinet

in this regard is communicated to the Assembly Secretary by Law Secretary to the Government. The Assembly Secretary, then seeks formal approval of the Speaker and obtains the orders of the Governor for summoning of the House. Notification to this effect is also published in the official Gazette.

Printed copies of summons are issued individually to all members along with a copy of the Gazette notification as well as a copy of the tentative programme of the House as proposed by the State Government and provisionally approved by the Speaker.

Propagation of Legislative Assembly: Almost the same procedure is followed in the case of prorogation of the House as is being followed by the Lok Sabha. The Assembly is prorogued by the Governor on the advice of the Cabinet.

Dissolution of Legislative Assembly: The power to dissolve the House also vests in the Governor. Normally, this power is exercised when the term of the Assembly is complete or when the exigencies of circumstances warrant such a step. When the State is under the President's Rule, the House may be dissolved even before the General Election.

Emergent Sessions: Rule 4 provides that when a session is called at short notice or in an emergency, summons need not be issued to each member separately but an announcement of the date, time and place may be published in the Gazette and in the newspapers, the members are also informed telegraphically. Though, the Rules of Procedure of the U.P. Assembly do not contain any express provision regarding secret sessions, yet such secret sessions were held on certain occasions.

Table 6 shows the number of sessions held by each successive Legislative Assembly.

Table 6: Number of Sessions held by each Successive Legislative Assembly

Name of the House	Period	Number of sessions held
First Legislative Assembly	From 8.3.1952 to 31.3.1957	17
Second Legislative Assembly	From 1.4.1957 to 6.3.1962	9

Name of the House	Period	Number of sessions held
Third Legislative Assembly	From 7.3.1962 to 9.3.1967	10
Fourth Legislative Assembly	From 10.3.1967 to 15.4.1968	2
Fifth Legislative Assembly	From 26.3.1969 to 4.3.1974	9
Sixth Legislative Assembly	From 4.3.1974 to 30.4.1977	8
Seventh Legislative Assembly	From 23.6.1977 to 17.2.1980	9
Eighth Legislative Assembly	From 9.6.1980 to 10.3.1985	9
Ninth Legislative Assembly	From 10.3.1985 to 22.11.1989	8
Tenth Legislative Assembly	From 2.13.1989 to 4.4.1991	5
Eleventh Legislative Assembly	From 29.7.91 to November 1992	2

BUSINESS OF THE HOUSE

Order of Business: Rule 315 provides that the relative precedence of various classes of business before the House should be listed in the following order:

(1) Oath or affirmation.
(2) Questions.
(3) Obituary references.
(4) Papers to be laid on the Table.
(5) Communication of messages from the Governor.
(6) Communication of messages from the Council.
(7) Intimation regarding President's/Governor's Assent to Bills.
(8) Communications from magistrates or other authorities regarding arrest or detention or release of members of the House.
(9) Presentation of report of Committees.
(10) Laying of evidence before Select/Joint Committee in respect of Bills.
(11) Presentation of Petitions.
(12) Questions involving breach of privilege.
(13) Announcement by the Speaker regarding leave of absence of members from the sittings of the House.

(14) Announcement by the Speaker regarding various matters, e.g., resignation of members from the House, nominations to panel of Presiding Members' Committee, etc.
(15) Rulings or announcements by the Speaker.
(16) Miscellaneous statements by the Ministers.
(17) Personal statement by ex-Minister in explanation of his resignation.
(18) Motion for election to the Committees.
(19) Motion for extension of time for presentation or report of Select/Joint Select Committee on a Bill.
(20) Bill to be Withdrawn.
(21) Bill to be Introduced.
(22) Laying of explanatory statements giving reasons for immediate legislation by Ordinance.
(23) Motion for adoption of Report of Business Advisory Committee.
(24) Motion for leave to move Resolution for removal of Speaker/Deputy Speaker.
(25) Motion for leave to make a motion of no-confidence in the Council of Ministers.
(26) Consideration of report of Committee of Privileges.
(27) Leave to move motions for adjournments of the House.
(28) Other general business of the day.
(29) Calling Attention Motion.

Some of the business to be listed in the day's agenda are fixed by the Speaker, for example, the Short Duration Discussion and some other business like the Bills are listed on the recommendations of the Business Advisory Committee. Yet there are items of business like the no-confidence motion which are fixed by the House. Rules of Procedure also provide that a particular business is taken up at certain hours. For example, if an adjournment motion is admitted it is taken up on the same day from 4 p.m. to 6 p.m. But in arranging the business of a particular day, the order of precedence specified in the preceding paragraph is generally followed.

Business Advisory Committee: The Business Advisory Committee

constituted under Rule 223 consists of members not exceeding fifteen in number including the Speaker and the Deputy Speaker. The members are nominated by the Speaker who is the *ex-officio* Chairman of the Committee. In the absence of the Speaker, the Committee is presided over by the Deputy Speaker and if the latter is also absent, the Speaker nominates any one of the members of the Committee to preside over. The Committee is constituted in such a way that all sections of the House are duly represented in it.

The Business Advisory Committee discharges the following functions:

(a) To recommend the time that should be allocated for discussion of Bills and other Governmental business.
(b) To indicate in the time-table the hours at which the various stages of the Bills and other Government business shall be transacted.
(c) To discharge such other functions relating to the business of the House as may be assigned to it by the Speaker.

The recommendations of the Committee are read over by the Speaker to the House. Then on a motion moved by a member of the Committee that the House agrees with the recommendations of the Committee, question is put before the House. When the motion is accepted, it takes effect as if it were an order of the House. The recommendation of the Committee can only once be referred back for reconsideration of the Committee on an amendment moved in the House by any member of the Committee. According to the parliamentary convention prevalent in the U.P. Assembly the recommendations of the Committee are always accepted by the House.

Business not included in the List of Business for the day is not transacted at any sitting without the leave of the House. However, Rule 110 provides that the following motion may with the permission of the Speaker, be made without notice:

(i) Motion for condolence or congratulations;
(ii) Motion for adjournment of a sitting;

(iii) Motion for the withdrawal of strangers;
(iv) Motion for electing members to Committees;
(v) Motion for the withdrawal of a Bill, a resolution or a motion or amendments thereto;
(vi) Motion for postponement of any business;
(vii) Motion for closure of debate;
(viii) Motion for suspension of a Rule;
(ix) Motion to extend duration of a sitting; and
(x) Motion of Thanks of Governor's Address.

During the Zero Hour, notices of adjournment motion and special mentions under Rule 301 are also allowed to be raised.

Private Members' Business: Private Members' Business is normally taken up from 2 p.m. to 5 p.m. on every Friday, and unless the Speaker otherwise directs, it has precedence over official business. Non-official resolutions and Private Members' Bills are taken up on alternative Fridays. Private Members' Business is selected through a ballot. Those listed for a day but not taken up at the end of the day stand lapsed. Private Members' Business under discussion is carried forward to the next day fixed for non-official business and has precedence over the business fixed for such day.

No Committee on Private Members' Business exists in U.P. Assembly, such business is regulated by the directions of the Speaker.

Each item of the List of Business is taken up usually when the preceding item is disposed of but in case of presentation of Annual Financial Statement and Supplementary or Additional Grants or Grants for Excess Expenditure for which date is fixed by the Governor and time by the Speaker the normal practice is that if the item under consideration is not disposed of immediately before the time fixed for such presentation, the Speaker temporarily suspends the continuing item, gets the Annual Financial Statement presented and again allows the resumption of the suspended item.

Rules of Debates: Usually members in whose names notices stand are given floor at the first instance. Further, it depends on the discretion of the Presiding Officer to allow any of the members rising

in their seats to take the floor. In case of general discussion on Governor's Address and Budget usually the political parties allocate the subject matter among their members and send the list of interested members to the Speaker. However, the calling of the members to speak squarely depends on the discretion of the Chair.

Members speak from their seats, and not from the rostrum. Microphone facility is provided to each member.

Normally reading of written speeches or even written statements by the Ministers is not allowed. However, as per practice, after the presentation of Annual Financial Statement, the Finance Minister reads out his printed Budget Speech. Miscellaneous statements by Minister are also allowed to be read from the written text.

Interruptions are generally not allowed but points of order may be raised by the members, if and when the circumstances so warrant. Besides, if the Leader of the House or the Leader of the Opposition rises in his seat, opportunity is given to express his views.

So far as the time-limit on speeches is concerned there is no definite rule on the point. The Leader of the House and the Leader of the Opposition may make their speeches without any time restriction, but time limit is imposed on the speeches of other members which varies from 5 minutes to 25 minutes, depending on the time at the disposal of the House. No member is allowed to speak for more than once on the same motion.

A member who has moved the original motion or an amendment thereto or has moved a cut motion on budgetary grants, may be allowed to speak again by way of reply, and if the motion or the amendment is moved by a private member, the Minister, to whose department the matter under discussion relates, has the right of speaking after the mover, whether or not he has previously spoken in the debate.

Maintenance of order in the House is the responsibility of the Presiding Officer. If a member chooses to obstruct the business of the House, the Presiding Officer may either ask him to withdraw from the proceedings of the House, or suspend him, as the case may be.

Voting procedure: Rule 298 deals with the voting procedure. It reads as below:

> "298. DECISION-(1) Votes may be taken by division, if any member so desires: Provided that the Speaker may, if he is satisfied that division is unnecessarily claimed, avoid a division and take votes by show of hands. (2) The result of a division shall at once be announced by the Speaker and shall not be challenged."

Most of the decisions of the House are taken by what is called voice vote. It is the most common method whereby the decisions of the House are recorded.

Where the opinion of the Speaker regarding the decision of the House through voice vote is challenged, then the Speaker has to decide whether votes should be taken by show of hands or by Lobby division. If the Speaker is satisfied that Lobby division is unnecessarily claimed, he takes votes by show of hands.

Voice votes as well as votes by show of hands are taken while members are sitting. But there are a few provisions in the Rules of Procedure which require the members to rise in their seats for conveying the decision of the House. For example, Rule 60 provides that leave of the House to an adjournment motion is deemed to have been granted if one-twelfth of the members rise in their seats in favour of such a motion.

When the Speaker directs that the votes should be recorded by Lobby division, the division bells are rung for 5 minutes. As soon as the bell stops ringing, all the outer doors of the House and the Lobbies are closed and the members are required to proceed to either of the twin Lobbies to record their votes. After the members have signed the printed name-sheets kept in the Lobbies, they are brought at the Table of the House for being counted. Thereafter, the Speaker announces the result which is final.

Voting by roll call and through ballot papers are not unknown to the U.P. Assembly. On 27 July 1967 and again on 29 August 1967 votes were recorded through roll call. Votes were cast in two separate boxes inscribed Yes and No. Decision of the House regarding election of Presiding Officers is also sometimes recorded through ballot papers.

Some times, the roll call method of voting and the casting of ballot papers have been combined to obtain the decision of the House. But

the instances are very few.

Proceedings: A full and accurate record of the proceedings of the assembly are printed under the Caption "Vidhan Sabha Ki Karyawahi (Adhikrit Vivran)" — that is, "Proceedings of the U.P. Assembly (Authorised Version)". Under Rule 282, language of the House is Hindi and script Devnagri, hence the proceedings are printed only in Hindi language and in Devnagri script. There no provision for simultaneous interpretation in any other language. If a member gives citation in English, it is printed in Devnagri script.

The Secretary keeps a full and accurate record of the proceedings of the Assembly at each of its sittings and publishes the same in such form and manner as the Speaker directs from time to time.

The Secretary causes to be published a journal called "Karyavratta" in which a short record of the business transacted in the Assembly for each day is entered. The journal after each sitting of the House, is signed by the Speaker; and when so signed, it forms an authentic record of the business transacted by the House. Printed copies of the journals are supplied to the members on the following day. 'Decisions from the Chair' are separately compiled and published.

The time normally taken for issuance of uncorrected debates is three hours after the sitting of the House. The edited and printed debates are required to be made available within three months.

PRESIDING OFFICERS

The Speaker *pro tem* is appointed by the Governor under Article 180(1) of the Constitution of India. For this purpose, the Secretary to the Government in Law and Parliamentary Affairs Department obtains a list of few senior-most members of the Assembly from the Assembly Secretariat and submits the same to the Governor along with the recommendations of the Government. When one of the senior members is appointed Speaker-*pro tem*, the same is communicated to the Assembly Secretariat along with the original order signed by the Governor. The Secretariat then informs the members concerned and the appointment is notified in the official Gazette.

No extra salary or allowances are payable to the Speaker *pro tem*. However, the services of the Speaker's staff and the conveyance are placed at the disposal of Speaker *pro tem*.

The elections of the Speaker and the Deputy Speaker are governed by Rules 8 and 9 of the Rules of Procedure of U.P. Assembly read with Article 178 of the Constitution. The date of the Speaker's election is fixed by the Governor whereas the date of Deputy Speaker's election is fixed by the Speaker. The nomination papers for every such election are received by 12.00 noon on the date preceding the date of election. Every nomination paper should be signed by the proposer as well as by the seconder and should contain a statement by the candidate that he is prepared to serve as a Presiding Officer if so elected. The candidate as well as his proposer and seconder must have made or subscribed the oath or affirmation under Article 188 before filling the nomination papers.

The names of validly nominated candidates are printed in the Agenda. If there are more than one candidate, the election is held by secret ballot inside the House soon after the Question Hour.

The Speaker, once elected, continues to hold office for the duration of the Assembly and also till the first meeting of the succeeding Assembly. Unless his seat becomes vacant due to death, resignation, removal or cessation of his membership. The Deputy Speaker normally holds office from the date of his election till the date of dissolution of the Assembly.

The Speaker and the Deputy Speaker of the Uttar Pradesh Legislative Assembly get a salary of Rs. 1000 per month besides other allowances which the members are entitled to. The Presiding Officers are also entitled to several other facilities, like free furnished residence, medical facilities, personal staff, staff car and guard. The Speaker can entertain guests at the Government expense (Speaker and Deputy Speaker both inclusive). A Discretionary Fund to the extent of Rs. 1,25,000/- is also placed at the disposal of the Speaker. But the Deputy Speaker is not entitled to the Discretionary Fund.

The Speaker is the constitutional, conventional and ceremonial Head of the State Assembly. He is the principal spokesman of the House and represents its collective voice. The status of the Speaker is

equivalent to that of a Cabinet Minister.

The Speaker presides over the sittings of the Assembly and his principal duty is to regulate the proceedings of the House. Within the walls of the House, his authority is supreme and his decision are not open to question.

The Assembly Secretariat functions under the control of the Speaker. He is the appointing authority of the gazetted staff in the Assembly Secretariat.

The Speaker is the head of the U.P. Branch of the Commonwealth Parliamentary Association. He nominates the members to various seminars and conferences. If the Government wants to nominate any member to any body, committee or organisation, prior approval of the Speaker is necessary. Speaker's consent is also necessary for study-tours by various Committees of the House.

The Deputy Speaker has the same power as the Speaker when presiding over the sittings of the House. But unlike the Speaker, he can participate in the deliberations of the House. If the Speaker's office is vacant the Deputy Speaker exercises effective control over the Assembly Secretariat.

Tables 6 and 7 present the names and tenure of Speakers and Deputy Speakers of U.P. Legislative Assembly.

Table 6: Statement showing the names and tenure of the President/Speaker of the U.P. Legislature.

Sl. No.	Name	Designation	Tenure	
			From	To
1.	Sir Michael Kein	President, Legislative Council	January 1921	August 1925
2.	Dr. Sir Sitaram	President, Legislative Council	August, 1925	March 1937
3.	Shri P.D. Tandon	Speaker, Legislative Assembly	31.7.1937	10.8.1950
4.	Shri Nafisul Hasan	Speaker, Legislative Assembly	21.12.1950	19.5.1952

Sl. No.	Name	Designation	Tenure	
			From	To
5.	Shri A.G. Kher	Speaker, Legislative Assembly	20.5.1952	25.3.1962
6.	Shri Madan Mohan Verma	Speaker, Legislative Assembly	26.3.1962	16.3.1967
7.	Shri Jagdish Sharan Agarwal	Speaker, Legislative Assembly	17.3.1967	16.3.1969
8.	Shri A.G. Kher	Speaker, Legislative Assembly	17.3.1969	18.3.1974
9.	Shri Vasu Dev Singh	Speaker, Legislative Assembly	18.3.1974	12.7.1977
10.	Shri Banarasi Das	Speaker, Legislative Assembly	12.7.1977	26.3.1979
11.	Shri Sripati Mishra	Speaker, Legislative Assembly	25.8.1980	15.3.1982
12.	Shri Dharam Singh	Speaker, Legislative Assembly	25.8.1982	15.3.1985
13.	Shri Niaz Hasan	Speaker, Legislative Assembly	15.3.1985	9.1.1990
14.	Shri Hari Kishan	Speaker, Legislative Assembly	9.1.1990	30.7.1991
15.	Shri Keshari Nath Tripathi	Speaker, Legislative Assembly	30.7.1991	—

Table 7: Statement Showing the Names and Tenure of the Deputy President/Deputy Speakers of the U.P. Legislature

Sl. No.	Name	Designation	Tenure	
			From	To
1.	Shri Anand Swaroop	Dy. President, Legislative Council	15.2.1921	26.10.1923
2.	Shri Kharagjit Misra	Dy. President, Legislative Council	9.1.1924	24.1.1927
3.	Shri Mukundi Lal	Dy. President, Legislative Council	4.1.1927	15.7.1930
4.	Shri Liyaqat Ali Khan	Dy. Speaker, Legislative Council	18.2.1931	14.12.1936

Sl. No.	Name	Designation	Tenure	
			From	To
5.	Shri Abdul Hakeem	Dy. Speaker, Legislative Assembly	31.7.1937	20.10.1939
6.	Shri Sheikh Nafisul Hasan	Dy. Speaker, Legislative Assembly	29.7.1946	21.12.1950
7.	Shri Hargovind Pant	Dy. Speaker, Legislative Assembly	2.1.1951	9.4.1957
8.	Shri Ram Narain Tripathi	Dy. Speaker, Legislative Assembly	27.4.1957	6.3.1962
9.	Shri Hoti Lal Agarwal	Dy. Speaker, Legislative Assembly	16.4.1962	6.3.1967
10	Shri Sripathi Misra	Dy. Speaker, Legislative Assembly	16.6.1967	16.3.1969
11.	Shri Vasu Dev Singh	Dy. Speaker, Legislative Assembly	25.3.1969	4.3.1974
12.	Shri Shivnath Singh Kushwaha	Dy. Speaker, Legislative Assembly	21.2.1975	30.4.1977
13.	Shri Jagannath Prasad	Dy. Speaker, Legislative Assembly	13.5.1978	17.2.1980
14.	Shri Yadvendra Singh	Dy. Speaker, Legislative Assembly	5.9.1980	14.12.1982
15.	Shri Hukum Singh	Dy. Speaker, Legislative Assembly	14.9.1984	10.3.1985
16.	Shri Trilok Chandra	Dy. Speaker, Legislative Assembly	5.9.1985	29.11.1989
17.	Shri Surendra Singh Chauhan	Dy. Speaker, Legislative Assembly	7.3.1990	4.4.1991
18.	Shri Ram Asray Verma	Dy. Speaker, Legislative Assembly	29.2.1992	—

PROCESS OF LEGISLATION

Bills may be divided into two categories—Official Bills and Private Members' Bills. Official Bills normally take their birth in the Government departments. Delegated Legislation Committee may also recommend the amendment of the Statute.

The following features distinguish a Government Bill from a Private Members' Bill:

(a) A Government Bill is introduced by a member of the Government whereas a Private Members' Bills is introduced by a member other than a member of the Government.
(b) The Speaker may order previous publication of a Government Bill in the Official Gazette whereas no such power is exercisable in the case of a Private Members' Bill.
(c) In case of the introduction of a Private Members' Bill, fifteen days' notice is normally required, whereas a Government Bill can be introduced if its copies have been circulated only one day before.
(d) The relative precedence of Private Members' Bills is decided by ballot whereas no ballot is required in the case of Government Bills.

Further, Bills containing financial provisions may be divided into two categories—Money Bills and Financial Bills. A Bill which contains only those provisions which are enumerated in Article 199 of the Constitution is indisputably a Money Bill. On the contrary a Bill, which involves finances of the State Exchequer (but which may or may not be a Money Bill) may be branded as a Financial Bill. Thus every Money Bill is a Financial Bill but the reverse is not equally true. A Finance Bill is designed to consider and vote taxes necessary for the supplies of the year. It considers and approves all taxes which are either being applied for the first time or being revised for the ensuing year. A Finance Bill is undoubtedly a Financial Bill within the meaning of Article 207 of the Constitution.

Each Bill undergoes three readings.

First Reading: The First Reading means motion for leave to introduce a Bill on the adoption of which the Bill is introduced; or the introduction of a Government Bill already published in the Gazette.

Second Reading: The Second Reading consists of the following two stages: The 'First Stage' involves discussion on the principles and general provisions of the Bill. This is done on the motion that the Bill be taken into consideration, or that it be referred to a Select Committee of the House or a Joint Select Committee of both the Houses, or that it be circulated for the purpose of eliciting public opinion. However, no

motion for reference to a Joint Select Committee can be made in respect of a Bill making provisions for any of the matters specified in sub- clauses (a) to (f) of Article 199 (1) of the Constitution.

The 'Second Stage' signifies the clause-by-clause consideration of the Bill as introduced or as reported by a Select Committee or Joint Select Committee, as the case may be.

Third Reading: The Third Reading refers to the discussion on the motion that the Bill be passed. When a Bill is passed by the Legislative Assembly, the Assembly Secretariat, renumbers the clauses, revises and completes the marginal headings thereof and makes such formal, verbal or consequential amendments therein as may be required. The Secretary then submits four copies of the Bill to the Speaker who authenticates them. When a Bill other than a Money Bill has been rejected by the Council or when more than three months have elapsed from the date on which the Bill is laid before the Legislative Council without being passed by it, the Secretary informs the House of the aforesaid fact and thereupon the Assembly may proceed to pass the Bill again according to the procedure for the Third Reading of a Bill.

If the Bill is passed by the Legislative Council with amendment the Bill with such amendments is laid on the Table of the Assembly as soon as possible, and thereafter, the amendments made by the Council are taken into consideration on an appropriate motion. If the House agrees to the amendments made by the Council, a message to that effect is sent to the Council, but if it disagrees or agrees to make further amendments in the Bill, the House again passes the Bill, or the Bill as further amended as the case may be, and returns the same to the Council with a message that the Council insists on an amendment or amendments to which the House has already disagreed, the Bill is deemed to have been passed by both the Houses in the form in which it was passed by the Legislative Assembly for the second time.

When a Bill introduced in the Assembly has been passed by both the Houses, the Secretary makes verbal and consequential amendments, if any, in it and after the Speaker has endorsed it, it is submitted to the Governor for assent in triplicate. A statement showing the verbal and consequential amendments, etc., made in the Bill is also submitted to the Governor along with the authenticated copies

of the Bill. A copy of this statement is also laid on the Table of the House by the Secretary prior to the announcement of the assent of the Governor or the President as the case may be.

When a Bill passed by the Assembly is returned to it by the Governor with a message to the effect that the Assembly should reconsider the Bill or any of its specified provisions or any amendment recommended in the message the Speaker reads the message in the Assembly, if in session, or it is not in session, he directs its information to be sent to the members by letter. Thereafter the Bill, as returned by the Governor, is laid on the table by the Secretary. Then any Minister, in the case of a Government Bill, or any member, in any other case, may give notice of his intention to move that the Bill be taken for consideration in the light of directions given in the message. The debate on such motion is confined to consideration of matters referred to in the message or to any suggestion relevant to the subject matter of the amendments recommended by the Governor. If the motion for reconsideration of the Bill is passed, amendments which come within the scope of the message may be moved by any member who has given notice for the same. When all the amendments have been disposed of the motion for passing the Bill, as originally passed by the Assembly, or as the case may be, as amended, is taken up. If the motion for reconsideration is not carried, the Minister/member may at once move that the Bill as originally passed by the Assembly be passed again without any amendment.

When a Bill passed by the Assembly is returned to it for reconsideration in accordance with the provisions of the proviso to Article 201 of the Constitution, the same procedure is followed as is followed in case of Bills passed by the Assembly and returned for reconsideration under the proviso to Article 200.

The above procedure with respect to (i) Transmission of Bills to the Council, (ii) Return of Bills from the Council and (iii) Return of the Bill Without Assent, does not apply in case of Money Bills, for which special procedure, as provided in the Constitution, is adopted.

If a Bill, which a State Legislature is competent to enact under the concurrent list, contains any provision or any existing law, then, in order that such provisions may have validity, the Bill must be reserved

for the consideration of the President and must receive his assent. In certain other situations as well, a Bill may be reserved for President's assent. The President either gives his assent to the Bill or withholds his assent. He may also direct the Governor to send back the Bill (other than a Money Bill) which has been reserved for his consideration, for reconsideration by the Legislature. The Legislature reconsiders the Bill within six months and after being passed by the Legislature it is again presented to the President for his consideration.

Promulgation of Ordinances: The Governor has several special responsibilities and very extensive legislative powers under the Constitution, and for the due exercise of these powers, he has the authority of promulgating Ordinances, which have the same effect as that of an Act of the State Legislature.

The Governor promulgates an Ordinance under Article 213 of the Constitution, when either House of the State Legislature is not in session and he is satisfied that circumstances exist which render it necessary to take immediate action. He may also withdraw an Ordinance at any time during its continuance. Such Ordinances are laid before the Legislature when it reassembles and remain in operation for six weeks from the reassembly thereof. However, if a resolution, disapproving an Ordinance, is passed by the Assembly and agreed to by the Council within the period of the said six weeks, the Ordinance ceases to operate with immediate effect.

On receipt of a communication or message from Parliament for ratification of an amendment to the Constitution, the same along with a copy of relevant Bill and the debates of Parliament thereon are laid on the Table of the House by the Secretary. The Speaker, in consultation with the leader of the House, fixes the date and time for discussion on the resolution for such ratification. The rules and orders relating to resolutions apply *mutatis mutandis* to the said discussion also. A copy of the resolution, when passed by the Legislature, is sent to the Parliament through the State Government. In case the resolution is not passed, an intimation to that effect is also required to be sent to the Parliament.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

There are a number of procedural devices available to members to oversee the functioning of the administration. These devices include questions, no-confidence motions, adjournment motions, etc.

Questions: Question is the most effective means to test the ability and efficiency of the administration. Its object is to elicit information from the Government on a matter of public importance and to suggest action in respect thereof. There are three types of questions-starred questions, unstarred questions and short-notice questions.

Starred questions are those in respect of which supplementaries are allowed with the permission of the Speaker. Unstarred questions are those in respect of which only written replies are given to the members but no supplementaries are allowed. Short-notice questions are the questions of urgent public importance, oral answers whereof are sought at shorter notice. If the Speaker agrees with the urgency of the question, the Minister is required to state whether he is in a position to answer the question as a short-notice question. If the Minister's reply is in the affirmative, the question is listed in the Agenda immediately, But, if the Minister's reply is in the negative, the short-notice question is listed as starred question. Not more than two short-notice questions are listed on each day.

Half-an-Hour Discussion: The Speaker may allot half-an- hour discussion on a matter of sufficient public importance which has been the subject of a question and answer in the House recently. A member wishing to raise such a matters has to give notice in writing to the Secretary three days in advance and should briefly specify the matter or matters that he wishes to raise. The notice is to be accompanied by an explanatory note stating the reasons for raising discussion or the matters in question.

There is no formal motion before the House nor voting. The member who has given notice will introduce the subject in a brief statement. The Minister concerned replies to it briefly. The Speaker may then permit other members to put questions for the purpose of further elucidating any matter of fact. The member introducing the subject

may be permitted to speak a second time to make a reply and the discussion ends with the final remarks of the Minister concerned.

Motion of No-confidence: The lapses of the administration can also be discussed by moving a motion of no-confidence in the Council of Ministers with the permission of the Speaker. The leave to make the motion is asked for after the Question Hour and before the List of Business for the day is entered upon. The member asking for leave must deliver to the Secretary a written notice of the motion before the commencement of the day's sitting. If the Speaker is of the opinion that the motion is in order, he reads it in the House and requests those members who are in favour of leave being granted to rise in their places, and if not less than one-fifth of the total number of the members of the House rise accordingly, the Speaker intimates that the leave is granted. If less than the requisite number of members rise, the Speaker informs that the leave has not been granted. If leave is granted, the Speaker within a period of ten days, fixes a day for discussion on the motion. The Speaker may, if he thinks fit, prescribe a time-limit for speeches.

Adjournment Motions: A motion for adjournment of the business of the House for the purpose of discussing a recently occurred matter of urgent public importance may be made with the consent of the Speaker by giving notice to the Secretary in duplicate at least one hour before the commencement of the sitting. If the leave to make such a motion is granted, the motion is normally discussed from 4 p.m. to 6 p.m. on the same day.

There is another motion by which a matter of public interest can be discussed with the consent of the Speaker (vide Rule 103). The notice of this motion is given in writing to the Secretary.

The Speaker may decide the time for discussion and put limitation on the speeches by members. After the fixed time is over, the motion can be put to vote.

Short Duration Discussions: Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. The notice must be supported by two other members with an explanatory note, why the discussion is necessary.

If the Speaker is satisfied that the matter is of urgent public importance, he admits the notice and, in consultation with the Leader of the House, fixes the date and time for the discussion. The discussion may not exceed two and a half hours in any case. The discussion begins without a formal motion and ends without any voting.

Calling Attention Notices: A member may give notice in duplicate for calling the attention of a Minister to a matter of urgent public importance to the Secretary one hour before the commencement of the sitting. On any such notice being admitted, the Minister concerned may make his brief statement on the matter given notice of on the same day or may ask for time to make his statement on any future day. In case of a written statement, one copy thereof is also to be given to the member concerned.

There is no debate on such a statement but the Speaker may, if he deems fit, permit questions for elucidating facts relating to the matter given notice of. Not more than one such matter is raised at the same sitting.

Special Mention (Rule 301): Any member who wishes to bring to the notice of the House a matter of urgent public importance and which is not a point of order, has to give notice in writing to the Secretary stating briefly the matter which he wishes to raise in the House and the reasons why he wishes to raise it. Such notice can be given till one hour before the commencement of a sitting. The Speaker may admit maximum 7 such notices which have obtained place in the ballot and fulfil the conditions of admissibility, to be raised in the House from among the total notices given by the members for a sitting. No minister is bound to reply these notices in the House but after proper investigation, he is required to send the final reply to the member concerned under his signature within a period of one month. A list containing information regarding action taken on all such notices is laid on the Table of the House within a period of seven days from the date of commencement of the next session.

Governor's Address: At the commencement of the first session after each General Election to the Assembly and at the commencement of the first session of each year, the Governor addresses both the Houses of the Legislature assembled together and informs the causes of its

summoning.

At the first sitting of the Assembly held after the Governor's Address, the Speaker reads the Address to the House. Thereafter, a Motion of Thanks may be moved by one member and seconded by another member. Amendments may be moved to such Motion of Thanks by way of addition of words at the end of the original motion in such form as may be considered appropriate by the Speaker. According to the Rules in force in the U.P. Assembly, the discussion on the Motion of Thanks lasts for four days and the Speaker may fix time-limit for speeches by the members.

Petitions: Every petition is addressed to the House. It must be counter signed by a member. The petition is examined in the Assembly Secretariat and if it is in order, it is listed in the Agenda. The member concerned is not allowed to read the entire petition. He states that the petition under reference is being presented by him. Thereafter, the petition stands referred to the Petitions Committee.

Where a petition is not found to be in order and the Speaker considers that it should be admitted as a representation, he directs accordingly. Such a representation is directly referred to the Petitions Committee without intervention of the House.

The Petitions Committee in U.P. Assembly consist of not more than 15 members nominated by the Speaker. Traditionally, the Deputy Speaker is made the Chairman of the Petitions Committee. No Minister is allowed to be a member of the Committee and if a member of the Committee becomes a Minister, his seat in the Committee becomes vacant. The main functions of the Petitions Committee are to examine the complaint made in the petitions and representations and to suggest remedial measures for the particular case or to prevent such cases in future.

The U.P. Lokayukta and Uplokayukta Act, 1975 provides for the appointment of a Lokayukta and one or more Uplokayuktas for investigation of grievances and allegations against Ministers, Legislators and other public servants. The Governor is the appointing authority of the Lokayukta and the Uplokayuktas.

BUDGET IN LEGISLATURE

The Budget: The Budget is put up by the Government for the whole financial year. Subsequently, as it generally happens, supplementary Budget is also put up to meet the additional demands for various departments.

The Budget consists of accounts and estimates pertaining to the Consolidated and Contingency Funds of the State as well as State debts and Public Accounts including Revenue Accounts and Capital Accounts. It is prepared by the Finance Department of the State after collecting data from various departments and presented to the Legislature for its consideration and passing.

The Budget literature elaborates all the expenditure into Plan and Non-Plan expenditure under various heads. Then every head is further divided into minor heads. It also includes Schedule of new demands.

In the bicameral Legislature of Uttar Pradesh, the Budget is presented in both the Houses on the day appointed by the Governor. It is the convention that the time of its presentation is fixed by the Presiding Officer on the proposal of the Government. Generally, the Budget is presented in the afternoon and it forms the last item in the Agenda of that day. The Finance Minister presents the Budget and reads out his Budget speech which generally concludes the sitting of the day.

According to Rule 187 ordinarily 5 days are allotted for general discussion on the Budget by the Speaker. No formal motion is moved at that stage.

Demand for Grants: According to Rule 188, the Speaker in consultation with the Leader of the House, allots not more than 24 days for consideration and voting on various demands and the grants are presented in such order as the Leader of the House, in consultation with the Leader of the Opposition, decides. No other business, except the Question Hour, can be taken up on such days without the consent of the Speaker. Motion may be moved at this stage to reduce any Demand for Grant or to omit any item thereof but not to increase or alter this Demand for Grant. Besides, no amendment to reduce any

Demand for Grant is permissible. When several motions related to any Specific demand are made, they are discussed in such order, as the heads to which they relate, appear in the Budget. About half an hour before the adjournment of the sitting on the last day of the allocated time the Speaker puts forthwith every necessary question to dispose of the outstanding matters in connection with the Demands for Grants and this procedure is not anticipated in any manner whatsoever, nor any dilatory motion is moved thereto.

Although there is no express provision in the Rules of Procedure of the Uttar Pradesh Legislative Assembly for guillotine of grants, yet if so required, the Speaker may proceed with the voting of demands left undiscussed for want of time in the House. Instances are, however, not wanting, when due to some urgency, the undiscussed grants of the Budget were taken earlier and without any discussion they were voted by the House followed by passing of the Appropriation Bill relating thereto.

The maximum time-limit fixed by Rule 132 is 5 days for general discussion and 24 days for different budgetary grants. This limit was never transgressed.

Cut Motions: According to Rule 189 cut motions are of three types (a) Disapproval of policy cut, (b) Economy cut, and (c) Token cut.

The Speaker can disallow such cut motions which are in his opinion, in contravention of the rules or abuse of the rights.

LEGISLATIVE COMMITTEES

The evolution of the Committee system in the U.P. Assembly may be said to have begun with the evolution of the Legislature itself. In 1886, a Legislative Council for North Western Provinces and Oudh was appointed under the Indian Councils Act, 1861 and for the first time on 19 February 1887, a Bill titled 'The North Western Provinces and Oudh General Clauses Bill' was referred to a Select Committee of four members. The regular feature of the Committees began in 1921 when two Financial Committees—the Standing Finance Committee and the Public Accounts Committee—were constituted on a permanent basis. After the establishment of a bicameral Legislature under the

Government of India Act, 1935, the financial powers of the Legislative Council were transferred to the Legislative Assembly. Consequently, the two Committees mentioned above were abolished from the Council and were reconstituted in the Legislative Assembly. Later on, in 1938, Committee on Privileges was constituted in the Legislative Council. Other Committees are of recent origin.

Present Committees: The names of the permanent House Committees are as follows:

(a) Estimates Committee
(b) Public Accounts Committee
(c) Delegated Legislation Committee
(d) Petitions Committee
(e) Privileges Committee (Detailed under Legislative Privileges)
(f) Assurance Committee
(g) Questions and Reference Committee
(h) Rules Committee
(i) Business Advisory Committee.

Ad Hoc Committees: At present, no *ad hoc* Committee has been constituted. However, these are set up from time to time.

Joint Committees: Presently there are the following three Joint Committees in the U.P. Legislature:

(a) Joint Committee on Scheduled Caste, Scheduled Tribes and Denotified Tribes.
(b) Joint Committee on Public Undertakings and Corporations.
(c) Joint Avas Samiti.

The other Committees in U.P. Assembly are (a) the Library Committee and (b) the Parliamentary Research, Reference and Studies Committee.

The Three Financial Committees in the U.P. Legislature are the Public Accounts Committee, the Estimates Committee and the

Committee on Public Undertakings. There are no Budget Committees or *ad hoc* Financial Committees in the U.P. Legislature.

(1) *Estimates Committee*: It consists of 25 members who are elected by the House every year from amongst its members according to the principle of proportional representation by means of single transferable vote. The Chairman is nominated by the Speaker from amongst the members of the Committee. No Minister is appointed a member of the Committee and if a member of the Committee is appointed a Minister he ceases to be a member of the Committee from the date of such appointment.

The functions of the Committee are:

(i) to report what economies, improvements in organisation, efficiency or administrative reform consistent with the policy underlying the estimates, may be effected;
(ii) to suggest alternative policies in order to bring about efficiency and economy in administration;
(iii) to examine whether the money is well laid out within the limits of the policy underlying in the estimates; and
(iv) to suggest the form in which the estimates shall be presented to Assembly.

(2) *Public Accounts Committee*: The members of the Committee are normally elected by the Assembly by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote. The Chairman is elected by the members of the Committee. Conventionally, the chairmanship of this Committee goes to the Opposition. It is a Committee consisting of 26 members, 21 from Legislative Assembly and 5 from Legislative Council.

No Minister is appointed a member of this Committee and if a member of the Committee is appointed a Minister, he ceases to be a

member of the Committee from the date of such appointment.

Functions of the Committee: (1) In scrutinising the appropriation accounts of the State and the report of the Comptroller and Auditor-General of India thereon, it is the duty of the Committee on Public Accounts to satisfy itself:

(a) That the moneys shown in the accounts as having been disbursed were legally available to the service or purpose to which they have been applied or charged.
(b) That the expenditure conforms to the authority which governs it; and
(c) That every re-appropriation has been made in accordance with such rules as may be prescribed by the competent authority.

(2) It is also the duty of the Committee on Public Accounts:

(a) to examine the statement of accounts showing the income and expenditure of State trading and manufacturing schemes together with the balance-sheets, and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the Statutory rules regulating the finances of a particular State trading concern or project and the report of the Comptroller and Auditor-General thereon;
(b) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies the audit of which may be conducted by the Comptroller and Auditor- General of India either under the directions of the Governor or by a Statute; and
(c) to consider the report of the Comptroller and Auditor-General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stock.

(3) All functions which relate to the Public Undertakings Corporations of the State shall be outside the purview and jurisdiction of the Committee on Public Accounts.

(3) *Delegated Legislation Committee*: There is a Committee of 15 members nominated by the Speaker. In order to scrutinise and report to the House whether the powers to make regulations, rules, sub-rules, bye laws, etc., conferred by the Constitution or delegated by any other lawful authority are being properly exercised within such delegation.

(4) *Petitions Committee*: The Committee on Petitions is also having 15 members nominated by the Speaker. No Minister can be its member and if any member of the Committee becomes a Minister he shall cease to be a member of the Committee from the date of such appointment. Every Petition after presentation in the House is referred to the Committee for its examination. The Committee suggests remedial measures for the particular case.

(5) *Assurance Committee*: The Committee on Government Assurances also consists of not more than 15 members nominated by the Speaker in order to scrutinise assurances, promises undertakings, etc., given by Minister from time to time on the Floor of the House. No Minister can be a member of this Committee. If any member of the Committee becomes Minister he ceases to be a member of the Committee.

(6) *Questions and Reference Committee*: The questions and Reference Committee also consists of not more than 15 members nominated by the Speaker. The Speaker is the *ex-officio* Chairman of the Committee. The main function of the Committee is to see whether the reply of the question received from the Government is satisfactory or not. If the Speaker considers it expedient, he may refer the matter to the Questions and Reference Committee for investigations and reports.

(7) *Rules Committee*: The Committee on Rules of Procedure and Conduct of Business of Legislative Committee consists of 15

members including the Speaker and Deputy Speaker as its *ex-officio* members. The rest of the members are nominated by the Speaker. The main function of the Committee is to consider matters of procedure and Conduct of the Business of the House and to recommend amendments and additions considered necessary to be made in the rules. The Speaker is the *ex- officio* Chairman of the Committee.

(8) *Business Advisory Committee*: The Business Advisory Committee consist of not more than 15 members including the Speaker and the Deputy Speaker. The Speaker is the *ex-officio* Chairman of the Committee. The main function of the Committee is to recommend the time that should be allocated for various discussions and other Business to be taken in the House.

JOINT COMMITTEE FOR THE WELFARE OF SCHEDULED CASTES, SCHEDULED TRIBES AND DENOTIFIED TRIBES

CONSTITUTION OF THE COMMITTEE

Consequent upon a resolution passed by the U.P. Legislature in 1974 the Joint Committee for the Welfare of Scheduled Castes, Scheduled Tribes and Denotified Tribes came into being. The Committee consists of 25 members including the Chairman, out of which 21 members are elected from the Legislative Council in accordance with the principle of proportional representation by means of single transferable vote.

FUNCTIONS OF THE COMMITTEE

The Functions of the Committee are as follows:

(1) To inquire into the progress of implementation of the provisions relating to reservation in services and other facilities provided for the said Castes in the Constitution, law and rules as well as indifferent Government orders.

(2) To suggest ways and means of ameliorating the conditions of these classes within the minimum stipulated period and fulfilment of the aims of the policies prescribed by the Government.
(3) The said Committee shall report to both the Houses of Legislature on all matters aforesaid or on any subject from time to time.
(4) The Chairman of the said Committee shall be appointed by the Speaker of the Legislative Assembly from amongst its members.

The term of the Committee shall be one financial year, but the Committee functions even after the lapse of such period till the constitution of the new Committee.

In all other matters the provisions of the Rules of Procedure and Conduct of Business of the Uttar Pradesh Legislative Assembly, 1958 apply with such alteration and modification that may be done by the Speaker.

JOINT COMMITTEE ON PUBLIC UNDERTAKINGS AND CORPORATIONS

The Committee consists of 25 members from the Assembly and 10 members from the Council who are duly elected in accordance with the principle of proportional representation by means of single transferable vote. The Chairman is nominated by the Speaker from amongst the members. No Minister is appointed a member of the Committee and if a member of the Committee is appointed as a Minister, he ceases to be a member of the Committee from the date of such appointment.

The functions of the Committee are as under:

(a) To examine the statement of accounts showing the income and expenditure of all Public Undertakings and Corporations of the State specified in the Second Schedule of the Rules of Procedure and Conduct of Business of the U.P. Legislative Assembly together with the balance-sheets and

statements of profit and loss accounts which the Governor may have required to be prepared or which have been prepared under the provisions of the Statutory rules regulating the finances of a particular Public Undertaking or Corporation and to examine the reports, if any, given by the Accountant General, Uttar Pradesh in respect thereof;

(b) To examine, keeping in view the autonomy of the said Undertakings and Corporations, their efficiency with a view to ascertain whether their affairs are being managed in accordance with sound business principles and commercial practices;

(c) To exercise such other functions vested in the Committee on Public Accounts and Committee on Estimates in relation to the said Public Undertakings and Corporations as may be allotted to the Committee by the Speaker of the Legislative Assembly from time to time.

JOINT AVAS COMMITTEE

The Committee consists of 15 members of whom 9 members come from the Assembly and 6 from the Council. These members are nominated by the Presiding Officers of the respective Houses. The Deputy Speaker of the Assembly and Deputy Chairman of the Council act as the Chairman of the Committee for one year by rotation. The main function of the Committee is to look after all the problems connected with the residential accommodation provided to the Legislators and the staff of the Assembly and Council Secretariat. The office and staff to assist the Committee is provided by the Assembly Secretariat. The report of the Committee is submitted to the Hon'ble Speaker of the Assembly and then it is sent to the concerned departments for implementation.

THE LIBRARY COMMITTEE

The Library Committee was first constituted on 19 April 1938. At that time, the Committee consisted of only 9 members. The Committee

itself selected one of its members as its Chairman. In 1946, this convention was changed and by an order of the Speaker, the Deputy Speaker was made *ex-officio* Chairman of this Committee. The Deputy Speaker, even today, continues to be the *ex-officio* Chairman of this Committee. Between 1952 and 1969, the strength of this Committee was often reduced and increased. Since 1969 the strength is 25 members, viz., the Deputy Speaker and 19 members of Legislative Assembly and 5 members of Legislative Council. The 19 members from the Legislative Assembly are nominated by the Speaker and the five members from the Legislative Council are also nominated by the Speaker, but in consultation with the Chairman, Legislative Council.

The functions of the Committee are as under:

1. To discuss and advise the Speaker on any matter of the Library referred to the Committee by the Speaker.
2. To discuss matters of improvement of the Library and give suggestions thereon.
3. To help the members of the House in utilising the services of the Library.

The tenure of this Committee is also one financial year. However, until the new Committee is constituted, the existing one continues.

PARLIAMENTARY RESEARCH, REFERENCE AND STUDIES COMMITTEE

The Committee on Parliamentary Research, Reference and Studies was constituted in 1971 for the first time on the advice of Shri Narain Dutt Tiwari, the then Finance Minister of the State under Rule 200(1) of the Rules of Procedure and Conduct of Business of the U.P. Legislative Assembly, 1958. In the beginning there were 19 members in all, but in 1972-1973 its strength was reduced from 19 to 15 members including the Hon'ble Speaker as its *ex-officio* Chairman. The tenure of the Committee is one financial year. Its main aims are to study various Parliamentary topics and make available its reports to the members to inculcate reading habit amongst the members and to

promote their interest in Parliamentary practice and procedure. The subjects for studies are chosen by the members of the Committee.

STANDING COMMITTEES

There are thirty-one Standing Committees to advise the departmental Ministers about the functioning of each department of the Government. Each Standing Committee is headed by the Minister concerned. Each Committee consists of 20 members of whom 16 members belong to the Assembly and the rest belong to the Council. The Committee is assisted by the staff of the Ministry concerned.

The term of office of all the above Committees is one financial year. But the Committees are allowed to continue till the new Committees are formed.

The functions of the other Committees like the Delegated Legislation Committee, the Petitions Committee, the Privileges Committee, the Assurance Committee, the Questions and Reference Committee, the Rules Committee and the Business Advisory Committee are the same as those of the Committees of Lok Sabha.

The reports of the Joint Avas Committee, the Library Committee and the Research, Reference and Studies Committee are presented to the Speaker and the rest of the report are presented to the House.

LEGISLATIVE PRIVILEGES

The main immunities and privileges of the members of the U.P. Legislature are the same as in Lok Sabha.

A question regarding breach of Privilege or contempt of the House may be raised, with the consent of the Speaker in any of the following ways:

(a) Complaint from a member;
(b) Report from the Secretary;
(c) A Petition; or
(d) A Report from a Committee.

THE COMMITTEE ON PRIVILEGES

This Committee consisting of 10 members nominated by the Speaker plays an important role in the determination of the question whether a breach of privilege or contempt of the House has taken place and if so, whether any punishment is to be awarded to the erring person. The recommendations of the Committee are normally accepted by the House.

SERVICING OF LEGISLATURE

The Secretary: The Secretary, U.P. Assembly is the administrative head and the Head of the Uttar Pradesh Legislative Assembly Secretariat. However, he works under the overall control and guidance of the Speaker, U.P. Assembly.

According to Rule (6)1 of the U.P. Legislative Assembly Secretariat (Recruitment and Conditions of Service) Rule, 1974, the appointment to the post of the Assembly Secretary is made by direct recruitment by selection through the State Public Service Commission. However, the post is also filled up by transfer on deputation from the members belonging to the Higher Judicial Service of the State.

The Secretary, exercises all powers pertaining to the Legislative matters. He advises the Speaker in all matters pertaining to the House. The Secretary is also empowered to authenticate the orders of the Governor.

He is the custodian of all finances allocated to the Secretariat through the Budget. He can delegate the powers of the drawing and disbursing officer on any officer subordinate to him. He is the appointing authority of all the non-gazetted employees of the Assembly Secretariat. Although, the Gazetted Officers of the Assembly Secretariat are appointed by the Speaker, yet they work under the control and guidance of the Secretary.

The Secretary also acts as the Returning Officer in the elections to the Legislative Council and the Rajya Sabha. He also acts as the Assistant Returning Officer in the Presidential Election from the State. He is the *ex-officio* Secretary of the Commonwealth Parliamen-

tary Association (U.P. Branch)

The retirement age of the Secretary is 58 years.

The status of the Secretary is at par with his counterparts in the Government Secretariat. Table 9 gives the names and tenure of successive Secretaries.

Table 9: Successive Heads of the U.P. Legislative Assembly Secretariat

S.No.	Name of the Successive Secretary, Assembly	Tenure From	To
1.	Shri K.C. Bhatnagar	26.10.1947	28.10.1954
2.	Shri R.R. Saxena	29.10.1954	8.2.1956
3.	Shri D.N. Mittal	89.2.1956	1.3.1974
4.	Shri S.P. Singh	2.3.1974	31.3.1983
5.	Shri B.C. Shukla	1.2.1983	30.6.1991
6.	Shir P.C. Saxena	1.7.1991	till date

THE SECRETARIAT

Before 1 July 1974 the Legislative Assembly Secretariat was simply a department under the administrative control of the Legislative Department of the State Government. From 1 July 1974 separate rules regulating the services of the employees of the Assembly Secretariat were promulgated by the Governor in consultation with the Speaker, Legislative Assembly under Article 187(3) of the Constitution. It ushered in the organisational scheme of staffing pattern and the strength of the Secretariat enhanced substantially. In 1950s there was some disparity between the pay scales of the employees of the Assembly Secretariat and the Civil Secretariat but the pay scale became equal by and large after some years. Now officers and other employees of this Secretariat are given the same pay scale as the office bearers of the same designation of corresponding cadres get in Civil Secretariat. Owing to these changes now the total strength of the employee of this Secretariat has risen to 475.

The work of the Secretariat is divided under the following broad heads on functional basis:

1. Legislative Branch is connected with the Business of the House. This Branch consists of the Parliamentary Section, Question Section and three Committees Sections.
2. Administrative Branch is dealing with general administration, establishment and personnel.
3. Library, Research, Reference and Documentation Branch.
4. Proceedings and Reporting Branch.
5. Security and General Cleanliness Branch.

So far as the administrative control is concerned the U.P. Legislative Assembly Secretariat is independent of the State executive except in financial matters. Under Service Rules it is bound to seek the consent of the Finance Department of the Government for the creation of any post of any class and in all the matters wherein finances are involved. It is not free even to spend the money already sanctioned by the State Legislature through the Appropriation Act, if the nature of these expenses in hand later differs from that mentioned in the Budget proposals, it is to seek the concurrence of the Finance Department. Thus, this Secretariat, in spite of having an independent status is not yet independent in its financial matters.

The Legislature Library is housed in five floors of the Council House Building. One floor each is devoted to separate Hindi, English and Urdu, Government Publications and Proceedings Collections. The administrative, circulation and research and reference sections are located on the main floor. There is specific provision for short and long range service to members of the Legislature and the Secretariat. The number of books in the Library, including Government Publications and Proceedings is about five lakhs. There is an unbroken collection of Uttar Pradesh Legislative Assembly, Legislative Council, Lok Sabha and Rajya Sabha Proceedings. *Proceedings received from other* States on reciprocal basis are also preserved. This Library also has a collection of Hansard Debates from 1900 onwards.

Photocopying facility is available to the members free of charge, provided such facility is sought from the materials of the Library in

relation to their duties in the Legislature.

As part of Current Awareness Services (CAS) and Selected Dissemination of Information (SDI) Services, the Library brings out one bi-monthly, two quarterly and one half-yearly publications namely *Samachar Dainandika, Pralekh Chayanika, Sansadiya Deepika* and *Uttar Pradesh Adhiniyam Sankshepika*. The first one is a documentation of news taken primarily from Hindi and English national and local dailies. The Second is a documentation list of important articles from magazines on Parliamentary and Constitutional subjects. A gist of the Acts passed by the U.P. Legislature is published in *Adhiniyam Sankshepika. Sansadiya Deepika*, being a House journal also contains articles of current interest and documentation of important constitutional, parliamentary and procedural developments in the State, at the Centre and in other States also. A quarterly list of new books acquired in the Library is also published and distributed to members for their awareness.

Research and Reference service for members of the Legislature are provided by the Research and Reference Section of the Library. The function of this section is to broadly assess in advance the information requirements of members by anticipating and identifying subjects of Legislative interest which are likely to generate demands from members for detailed information and then prepare background notes and reference files. The services provided by this section are based on Press Clipping Service, preparation of briefs, background notes and research notes, selective dissemination of information, collection of material for members' speeches, important data, and supply of photocopies of the relevant materials.

ORGANISATION PROGRAMMES FOR LEGISLATORS

A practice of organising an orientation programme for the Legislators who are for the first time elected to the Uttar Pradesh Legislative Assembly in order to generate interest in Parliamentary Studies and to give them basic knowledge of the Constitution as well as Parliamentary Practice and Procedure was started in 1985 when for the first time such a programme was arranged. Since then twice such program-

mes have been organised once in 1989 and again in 1991, for the newly elected members. All the three programmes were organised by the Uttar Pradesh Legislative Assembly Secretariat through active Co-operation of the Bureau of Parliamentary Studies and Training of Lok Sabha Secretariat.

WEST BENGAL

ORIGIN AND GROWTH

The history of the West Bengal Legislature is traceable from 1862. Under the Indian Councils Act of 1861 a Legislative Council for Bengal was established by the Governor-General of India on 18 January, 1982 with the Lieutenant-Governor of Bengal and some nominated members. The maximum number of members of this Council was only 12. By the passing of subsequent Acts, the number of members of the Council was increased and its powers and functions were gradually enlarged.

Under the Indian Councils Act of 1892 the maximum strength of the council was raised to 20 and of these 20 members, seven were to be elected. This Act also provided for the asking of questions and the discussion of the annual financial statement by the members.

Under the Indian Councils Act of 1909, the number of members of the councils was further raised to 50. It was provided that there must be a majority of non-official members in the Council, their number varying with the local conditions. Representation for minor interests and classes was also provided for through nominations. The members obtained the right to ask supplementary questions (confined to the original questioner only) and to discuss any matter of general public interest.

Under the Government of India Act of 1919, the Provincial Legislatures were to be given greater constitutional powers by enlarging the electorates and increasing the number of elected members in the Legislatures and the number of members of the Legislative Council was raised to 125 of whom, it was provided, not more than twenty per cent should be official members and at least seventy per cent should be elected members. The Governor was given the power to nominate,

← State Legislature Building, West Bengal.

for the purposes of any Bill introduced or proposed to be introduced in the Legislative Council, not more than two persons, having special knowledge or experience of the subject matter of the Bill. The Act also provided for a President and a Deputy President of the Council. The President should, until the expiration of a period of four years from the first meeting of the Council, be a person appointed by the Governor and thereafter a member of the Council elected by the Council and approved by the Governor. The Deputy President should be a member of the Council elected by the Council and approved by the Governor. Consequently, the Governor who has so long presided over the meetings of the Council ceased to be the Presiding Officer.

The Bengal Legislative Council constituted under the Act of 1919 was formally inaugurated on the first day of February, 1921 by His Royal Highness, the Duke of Connaught.

Under the Government of India Act, 1935, two Chambers of the Bengal Legislature, the Legislative, Council and Legislative Assembly, were created. The life of the Assembly consisting of 250 members was to be of five years unless dissolved sooner; while the Council, with a membership of not less than 63 and not more than 65, was made a permanent body and not subject to dissolution with the provision that one-third of the members should retire every third year.

After the fall of two successive coalition Ministries in 1937 and in 1941 respectively and subsequent taking over of the Administration by the Governor in 1943, a new Ministry was formed on 29 April, 1943. But it too was short-lived. A new Government was installed in 1946 following the General Election.

The partition of India soon followed suit. The members of the Bengal Legislative Assembly met on 20 June, 1947. As per the decision of the members and the Statement made by the British Government, the province was partitioned into West Bengal and East Pakistan. The West Bengal Legislative Assembly was constitued with 90 members including two nominated Anglo-Indians.

The Legislative Assembly met for the first time after Independence on 21 November, 1947. Under the provisions of the Government of India Act, 1935, as adopted, the Bengal Legislative Council stood abolished.

From 1950 onward, the West Bengal Legislative Assembly became

the Legislature for State with the members who were originally elected in the General Election held in 1946 and continued as such till the new House was constitued after the General Election in 1952.

The new Assembly after the General Election met for the first time on 18 June, 1952. The number of members in the Assembly was 240 including two nominated members from the Anglo-Indian Community. As the Constitution of India provided for a bicameral Legislature for West Bengal, the Council was constituted on 5 June, 1952. with the members elected and nominated under the Constitution. It was composed of 51 members.

After the General Elections of 1967, the "United Front" formed the Government but soon it fell giving way to the P.D.F. Ministry. On the resignation by the Chief Minister of the PDF Ministry, President's rule was imposed on 20 February, 1968. The United Front Ministry was formed again after the mid-term election in 1969. But this Ministry could work only for 13 months after which again President's rule was imposed.

The mid-term election of 1971 saw the formation of a coalition Ministry which did not survive even for three months. President's rule was once again imposed.

The Congress party formed the Government in 1972. The life of the Assembly was made six years following a constitutional amendment.

After the General Elections of 1977, Left Front headed by the C.P.I. (M) came to power in West Bengal. The Ninth Legislative Assembly was constituted after the election of 1982. The tenure of the Tenth Legislative Assembly constituted with effect from 30 March, 1987. was due to expire in May 1992. But the Governor, on the advice of the Council of Ministers prematurely dissolved the Assembly, w.e.f. 31 March 1991 to facilitate holding of fresh Assembly elections simultaneously with Lok Sabha Polls. The Eleventh Legislative Assembly was constituted on 19 June, 1991 and the new Ministry, headed by Shri Jyoti Basu, was sworn in on 20 June, 1991.

STRUCTURE OF LEGISLATURE

Under the Government of India Act, 1935 the Bengal Legislature was

bicameral and had two Houses viz. the Bengal Legislative Assembly and the Bengal Legislative Council. But after independence in 1947 the Legislative Council was abolished.

The Constitution of India again provided for a bicameral Legislature for West Bengal and the Council was constituted on 5 June, 1952 while the Assembly was constituted on 31 March, 1952. The Legislative Council was again abolished with effect from 1 August, 1969 following a resolution passed by the Assembly for abolition of the Council and subsequent enactment by the Parliament. The West Bengal Legislature now, therefore, is unicameral.

The present Legislature, i.e. the Eleventh Legislative Assembly constituted on 19 June, 1991 has a total membership of 295 including one member nominated by the Governor from the Anglo- Indian Community.

The normal tenure of the House is 5 years from the date appointed for its first meeting, unless sooner dissolved. Table 1 shows the details of the terms of the successive Legislative Assemblies of West Bengal since Independence:

Table 1: Tenure of the Legislative Assembly

S.No.	Legislative Assembly	Tenure	
		From	To
1.	First	31.3.1952	5.4.1957
2.	Second	6.4.1957	1.3.1962
3.	Third	3.3.1962	28.2.1967
4.	Fourth	1.3.1967	20.2.1969
5.	Fifth	25.2.1969	30.7.1971
6.	Sixth	2.4.1971	25.6.1972
7.	Seventh	20.3.1972	30.4.1977
8.	Eighth	21.6.1977	24.5.1982
9.	Ninth	24.5.1982	30.3.1987
10.	Tenth	30.3.1987	31.3.1991
11.	Eleventh	19.6.1991	Till date

PARTIES AND MEMBERS

Parties in Legislature: Multi-party system has been in vogue in the West Bengal Legislative Assembly. The Ninth Legislative Assembly was composed of the members drawn from as many as ten political parties. The Tenth Legislative Assembly, with a strength of 295, also consisted of members drawn from various parties, namely, the Left Front an alliance of the parties like CPI-M, Forward Bloc, RSP, CPI, RCPI, DSP, WDSP, Forward Bloc (M) the Congress-I the SUCI, and Muslim League. The Eleventh Legislative Assembly having the same strength of 295 members drawn from the parties such as the Left Front (245) including Janata Dal members, the Congress (43), GNLF (2), SUC (2), Jharkhand Party (1) Independent supported by GNLF (1)

Party Whips: In the Legislature, members who manage the affairs of the parties and organise their forces in divisions and debates are known as "Whips". Their chief duty is to arrange the business of their party in the House and inform their members of all forthcoming business. Each party has its own whip, one of whom acts as the Chief Government Whip who is a member of the Government side. The Whips play an important role in the efficient and smooth running of the parliamentary machine. The Whips select the name and allocate time to the members of the party to speak on a particular matter in the House in consultation with the Government Chief Whip and in accordance with the report of the Business Advisory Committee. They do the liaison between the ordinary members and the party. The Government Chief Whip, keeps liaison between the Government and the House.

Leader of the Opposition: The Leader of the Opposition is a member of the Assembly who is for the time being the Leader of the largest Opposition party in the State Assembly. If any question arises as to which party in Opposition has the greatest numerical strength the Speaker has been given the power to decide the issue. By convention, the Chief Minister, from time to time, meets the Leader of the Opposition to discuss the problems of the State. The Leader of the Opposition is not in any way responsible to the Government. He is only responsible to his constituency and to the members from whom he derives his position. He also has an obligation to defend the right of every member

to express his opinion freely on all matters of public policy. By convention, he initiates all important discussion. As his status is that of a Cabinet Minister, he is entitled to all the facilities and privileges which go with it.

Qualifications for Membership: The qualifications prescribed for membership are the same as enumerated in Article 173 of the Constitution of India.

A person shall be disqualified for being or remaining a member of the House on the following grounds:

(a) Disqualifications for membership as specified in Article 191 of the Constitution.
Under Clause 1(a) of the West Bengal Legislature (Removal of Disqualification) Act, 1952 exempts the holders of the *following* offices from any disqualification from being chosen as or for being a member of the House:

(i) an office of a Parliamentary Secretary or a Parliamentary Under-Secretary,
(ii) an office which is not a wholetime office remunerated either by salary or by fees,
(iii) an office in connection with the management of any property taken over by the State Government for a limited period under a law made under sub-clause (b) of clause (i) of Article 31A of the Constitution of India, when held by a person who was employed in connection with the management of the property before such taking over,
(iv) the office of Chairman or member of a Road Transport Corporation established under Section 3 of the Road Transport Corporation Act, 1950, or the office of member of the West Bengal Pollution Control Board constituted under Section 4 of the Water (Prevention and Control of Pollution) Act, 1974, if the holder of such office is not entitled to any remuneration other than compensatory allowance,

(v) offices of members of forces in the National Cadet Corps, Territorial Army, West Bengal National Volunteer Force, Air Defence Reserve and Auxiliary Air Force and receives emoluments consequent thereon.

(b) Disqualifications as specified by the Representation of the People Act, 1951.

(c) Besides the above mentioned reasons, a member may be disqualified on the ground of defection as specified or the ground of defection as specified under the 10th Schedule to the Constitution of India. The members of West Bengal Legislative Assembly (Disqualification on ground of Defection) Rules, 1986 have come into force with effect from 19 April, 1986.

For Membership residence in the constituency is not necessary.

Oath / affirmation: The first duty of every member, either elected or nominated to the Legislative Assembly, is to make and subscribe an oath or affirmation according to the form set out for the purpose. The Presiding Officer of the Assembly is administered the oath or affirmation by the Governor. Thereafter, the Presiding Officer administers the same to other members either in the House or in the Chamber of the Speaker.

The normal tenure of office of a member is 5 years unless the Assembly is dissolved earlier. But if the tenure of the House is extended by Parliament by law during a proclamation of Emergency, the member holds office till the dissolution of the House. A member elected in a bye-election holds office for the remaining period of the House.

Salary and other facilities: A member of the West Bengal Legislative Assembly is entitled to a salary of Rs 350 per month; a daily allowance at the rate of Rs 49, Rs 41 and Rs 37, depending on the places of visit; a compensatory allowance at the rate of Rs 300 per month; a constituency allowance at the rate of Rs 500 per month and a conveyance allowance of the rate of Rs 25 per day for attending the meeting at the

Assembly or Committees thereof. He is also entitled to a travelling allowance at the rate of Rs 2 per km for the first 100 km and thereafter at the rate of Re 1 per km by road; one half of the first class fare by rail and steamer; and one and one fourth times the air fare by air respectively. Besides, a member is also entitled to the following facilities:

Housing facilities: Members are provided with accommodation in the State Legislators' Hostel, Calcutta, on payment of 50 paise per head per day.

Medical facilities: Members and their families are entitled to free medical consultation and treatment in State aided hospitals. For treatment taken by members and their families in private clinics, reimbursement of medical expenses incurred by them is made on the scale admissible under the rules.

Telephone facilities: Each member is entitled to the reimbursement of installation charge, rental charge of one telephone and to actual call charges of such telephone subject to a maximum of Rs 150 per month. Each member is also entitled to reimbursement of security deposit in connection with new telephone connection up to a maximum amount of Rs 1000 which is refundable immediately on cessation of one's membership.

Stenographic and typing facility: There is no regular stenographic and typing assistance to members. Such assistance is provided on request made by members for official business.

Research, Reference and Library facilities: There is a library at the disposal of the Members.

Office premises: An office room is allotted to the main Opposition Party while the remaining opposition parties/groups are provided with one room in the Assembly House.

Postal and Stationery: Letters addressed to members other than those from the Legislature Secretariat are placed in the pigeon-holes allotted to each member kept near the Vestibule (the ground-floor) during the Session time. There is a Sub-Post Office within the precincts of the Assembly.

Food and Beverages: A restaurant is run in the precincts of the

Assembly House during the sittings of the House. The members get meals, snacks, tea, etc., on payment only.

Other facilities available to members include transport facility, Secretariat assistance, Ration cards, one thousand letter heads of the approved size per year with their respective name and address printed therein along with equal number of envelopes etc.

Resignation: A member may resign his seat in accordance with the provision of Article 190 (3) (b) of the Constitution. If the resignation is accepted by the Speaker, the information is published in the Assembly Bulletin and also in the official Gazette.

Absence from House: Article 190 (4) of the Constitution provides that if for a period of sixty days a member of a House is, without permission of the House, absent from all meetings thereof, the House may declare his seat vacant. In computing the said period of sixty days, no account is taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

A member may apply for permission to be absent from the sittings of the Assembly. On receipt of the application, it is, as soon as possible, placed on the List of Business after question hour. On the day on which such application appears in the List of Business, the Speaker reads out the application to the Assembly, and if no one objects, leave is deemed to have been granted. If there is any objection, the matter is put to the vote of the House, without any debate or discussion and the Speaker declares the result.

There is no such committee on Absence of Members in the Legislature.

Expulsion: If the Speaker is of opinion that the conduct of a member is grossly disorderly, the member may be directed to withdraw immediately from the House and the member shall do so for the remainder of the day's sitting. A member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business before the House may be named by the Speaker if he deems it necessary, and a motion is put forthwith that the member be suspended from the service of the House. If the motion is adopted the member shall forthwith withdraw from the service of the House. In such cases, the period of

suspension shall not exceed the remainder of the session. The House may, on a motion being made, terminate such suspension.

SESSIONS AND SITTINGS

Issue of Summons: After consulting the Chief Minister, the Governor summons the House by an order, under his signature published in the notification in the Official Gazette. The date, time and place of the meeting are specified in the notification. Individual summons are sent to the members by the Secretary to their present and permanent addresses. Steps are also taken for publicity of the matter in the mass media, viz., Radio, T.V. and newspapers.

Prorogation of the Legislative Assembly: The order of prorogation is generally received from the Governor after the adjournment *sine die* of the House at the conclusion of its last day's sitting. A copy of the said order is sent to each of the members for information. The T.V., Radio and the news agencies also give publicity to the information at their earliest opportunity. A notification is published by the Government in the Official Gazette. Sometimes the order of prorogation is received by the Speaker before the adjournment *sine die* of the House. In those cases, the Speaker informs the House that the House stands prorogued by the command of the Governor. The House is generally dissolved after the specified tenure. Necessary order to this effect is published in the official Gazette by the Government.

Secret sittings: On a request made by the Leader of the House, the Speaker fixes a day or part thereof for sitting of the House in secret. At such sitting no stranger is permitted to be present in the Chamber, Lobby or Galleries except those authorised by the Speaker.

When it is considered that the necessity for maintaining secrecy in regard to the proceedings of a secret sitting has ceased to exist and subject to the consent of the Speaker, a motion may be moved by the Leader of the House or any member authorised by him that the proceedings in the House during a secret sitting be no longer treated as secret.

The Speaker may cause a report of the proceedings of a secret sitting to be issued in such manner as he thinks fit, but no other person can keep a note or record of any proceedings or decisions of a secret sitting, whether in part or full, or issue any report of, or purport to describe, such proceedings. Disclosure of proceedings or decision of a secret sitting by any person in any manner is treated as gross breach of privilege of the House.

Emergent Sessions: The procedure for summoning of short- notice session is similar to a regular session. As usual the Governor summons the House. The members are informed to attend the sitting by wireless message as the time is very short. In the short notice session, the prescribed period of notice for questions, Private Members' Resolution etc. is relaxed by the Speaker.

Table 2 depicts the number of sessions held by successive Legislative Assemblies since 1952.

Table: 2 Number of Sessions held by each successive House

Name of the House	Period	No. of Sessions
First Legislative Assembly	1952—1957	11
Second Legislative Assembly	1957—1961	14
Third Legislative Assembly	1962—1966	13
Fourth Legislative Assembly	1967—1968	4
Fifth Legislative Assembly	1969—1970	3
Sixth Legislative Assembly	1971—1971	1
Seventh Legislative Assembly	1972—1977	13
Eight Legislative Assembly	1977—1982	12
Ninth Legislative Assembly	1982—1987	11
Tenth Legislative Assembly	1987—1991	10
Eleventh Legislative Assembly	1991—till date	2

BUSINESS OF THE HOUSE

Order of Business: The business of the House is normally transacted in the following order:-

(i) Oath or affirmation by members.
(ii) Obituary references.
(iii) Questions (including Short Notice questions and Half-an-Hour discussion);
(iv) Questions of Privilege.
(v) Adjournment Motions.
(vi) Communications from Magistrates, etc. regarding arrest or detention or release of members of the House.
(vii) Calling Attention notices.
(viii) Announcements by the Speaker regarding leave of absence of members.
(ix) Delivery of rulings by the Speaker.
(x) Mention of cases under Rule 351.
(xi) Presentation of Petitions.
(xii) Statements by Ministers under Rule 346.
(xiii) Papers to be laid on the Table.
(xiv) Legislative Financial Business.

The Secretary shall arrange the Government business allotted for transactions during the session in such order as the Speaker may, after consultation with the Leader of the House, determine.

Business Advisory Committee: The Business Advisory Committee is constituted by the Speaker by nomination from all the Legislature parties at the commencement of the House or from time to time. At present the membership is 11. The Speaker is the *ex-officio* Chairman of the Committee. The Parliamentary Affairs Minister and the Chief Government Whip are generally nominated to the Committee.

The function of the Committee is to recommend the time that should be allocated for the discussion of such Government Bills and other business as the Speaker, may, in consultation with the Leader of the House, direct for being referred to the Committee. Apart from allocating time for different items of business in the House, the Committee also sometimes suggests date of an individual item of business in consultation with the Opposition members of the Committee. The report of the Committee is presented by the Chairman.

List of Business: Notices of Adjournment Motion, Calling Attention and Privilege Motions are given on the day on which those are to be raised in the House. Those items are taken up in the House without entry in the List of Business. Besides these, the following items are generally taken up in the House without any entry in the List of Business:-

i) Oath of affirmation by a member returned in a bye- election;
ii) Obituary reference;
iii) Message regarding ratification of an amendment of the Constitution if such message is received during a session;
iv) Announcement of ruling from the Chair,
v) Announcement of a communication regarding arrest etc. of a member;
vi) Announcement regarding resignation of a member,
vii) Motion regarding suspension of rules,
viii) Statement made by a minister on a matter of public importance; and
ix) Zero hour Mention

Private Members' Business: According to the rules, the Private Members' Business is taken up in the last two and a half hours of a sitting on each Friday. The Speaker may allot different Fridays for the disposal of different classes of such business. The Speaker may also, in consultation with the Leader of the House, allot any day other than a Friday for the transaction of Private Members' Business. In practice the entire period of a Friday's sitting is allotted for the transaction of Private Members' Business, if the volume of such business so requires and sometimes the Question Hour is also suspended. The order in which the business is entered in the List of Business is not varied unless the Speaker does so for special reasons. No Committee on Private Members' Business has so far been constituted in the Legislative Assembly.

Rules of Debate: A member desiring to speak should stand at his allotted seat in the House and make a speech or an observation on being called to do so by the Presiding Officer. A member desiring to

make any observation on any matter before the House, shall rise when he speaks and shall address the Speaker. Preferably the reading of speeches is not allowed.

The mover of the motion is first called upon to speak and thereafter other members are called to speak. The Whips of the respective Parties in the House submit list of speakers on any subject before the House to the Speaker and the Speaker generally follows the list so submitted.

A member who has moved a motion may speak again by way of reply, and if the motion is moved by a Private Member, the Minister concerned may, with the permission of the Speaker, speak (whether he has previously spoken in the debate or not) after the mover has replied. There is no right of reply to the mover of an amendment to a Bill or a resolution save with the permission of the Speaker (vide Rule 333 of the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly).

Voting Procedure: Generally to determine the decision of the House in the matter which comes up before the House, the Chair takes the Voice Vote. In some cases, voting is done by show of hands. The system of voting by Electronic Voting Machine which came into operation in 1954 is still in vogue in the Legislative Assembly. In cases of failure of the Electronic Voting Machine, the Speaker directs the Division in Lobbies. If the press button meant for casting vote in the electronic system is not functioning and/or the member is not able to cast vote by pressing button, then members write their names on paper and submit the same to the Speaker for record.

Under the rules, the Speaker shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions. The Speaker may either ask a member to withdraw from the House for grossly disorderly behaviour or name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business of the House. In the first case, the member is suspended for the remainder of the sitting of that day and in the second case the member is suspend for the remainder of the session following a motion adopted in the House. In the case of a grave disorder arising in the House, the Speaker may adjourn the House or suspend any sitting for a time to be named by him. The Speaker has

also the power to expunge any words in debate which are defamatory or indecent or unparliamentary or undignified or otherwise inappropriate. Moreover, he has residuary powers under the rules in such matters not specifically provided for in the Rules of Procedure.

Proceedings: The title of the debates is called "Assembly Proceedings (Official Report) West Bengal Legislative Assembly . . . Session", and the language is English. Proceedings are recorded verbatim. The record of the debates is either in the form of Bulletin Part–I & Journal, i.e., brief proceedings of the House, or in the form of decisions and directions of the Presiding Officer.

The time normally taken for issuance of the edited and printed debates is 30 days.

The languages used in debates are Bengali, English, Hindi and Urdu. Sometimes Nepali and Santhali are also used. There is no provision for simultaneous interpretation.

PRESIDING OFFICERS

After a General Election, if the office of the Speaker of the former House is vacant, the Governor may appoint one member of the newly constituted Assembly under Art. 180(1) of the Constitution as the Speaker *pro tem* in consultation with the Leader of the House. Generally, the Speaker *pro tem* is chosen from amongst the senior members of the House. The Speaker *pro tem* administers oath or affirmation to the members. He presides over the first sitting of the newly elected House till the Speaker is elected. No salary or allowance is paid to him for performing his duties as the Speaker *pro tem*.

The election of the Speaker is held on such date as the Governor may fix and the Secretary sends to every member notice of this date. At any time before 1 p.m. on the day preceeding the date so fixed, any member may nominate, in the prescribed form obtained from the Secretary, another member for election, by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder, and stating (a) the name of the member nominated, and (b) that the proposer has ascertained that such member is willing to serve as Speaker, if elected.

The person presiding reads out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders. If only one member has been so nominated, the presiding officer declares that member to be elected. And if more than one member has been so nomnated the Assembly proceeds to elect a Speaker by ballot. A member is not deemed to have been duly nominated for election as Speaker or is not entitled to vote if he and his proposer and seconder have not, before the conduct of election or the Speaker in the said meeting, made the oath or affirmation as members of the Assembly.

Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes is to be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidates or than the aggregate votes of the remaining candidates, as the case may be.

Where at any ballot any of two or more candidates obtain an equal number of votes and one of them, has to be excluded from the election, the determination, as between the candidates whose votes are equal, of the candidate who is to be excluded shall be by drawing of lots in such manner as the person presiding may decide.

The same procedure is allowed in the case of election of the Deputy Speaker.

The term of office of the Speaker is normally five years. The Speaker holds office from the date of his election for the remaining period of the life of a particular Assembly till immediately before the first sitting of the next Assembly unless he resigns earlier or is removed by a resolution adopted by the House under Article 179(c) of the Constitution. The term of office of the Deputy Speaker is same as the Speaker. But on the dissolution of the House, the Deputy Speaker ceases to be a member and he vacates his office.

The Speaker gets a salary of Rs 1,150/-, a sumptuary allowance of Rs 500/- per month and a constituency allowance of Rs 500/- per month. The Deputy Speaker is entitled to get a salary of Rs 850/-, a sumptuary

allowance of Rs 500/- per month and a constituency allowance of Rs 500/- per month. But they shall not be entitled to draw any salary or allowance as members of the House.

The Speaker is entitled, without payment of rent, to the use of a furnished residence in Calcutta throughout the term of his office and for a period of fifteen days immediately thereafter, or in lieu of such residence a house allowance at the rate of Rs 350/- per month or, in the alternative such charges for accommodation in a hotel, boarding house or apartment. The expenditure for furnishing the residence and for the maintenance thereof is borne by the State Government. The type of accommodation provided to the Speaker is akin to that of the Chief Minister of the State. The Deputy Speaker is also given the same facilities as the Speaker. But in lieu of residence he gets a house allowance of Rs 300/- per month. The type of accommodation provided to him is akin to that of a Minister of State.

Besides, the Speaker enjoys several other facilities like medical facilities, personal staff, staff car and guard.

The Speaker is the supreme authority in the House. He conducts the business of the House in pursuance of the provisions of the Rules. But he has the power to deal with the matter which is not specifically or adequately provided in the Rules. All questions relating to the detailed working of the Rules are also guided by the Speaker. Besides these, he has some inherent powers. In certain circumstances he allows motions to be moved or considered which are not covered by the Rules of Procedure. He also makes observations from time to time on cases regarding the presence of Ministers in the House and also the conduct of members in the House. His ruling in the House cannot be questioned without substantive motion, and is final. But he may revise or correct his earlier decision. He is the authority to interpret the Constitution and Rules so far as matters in or relating to the House are concerned, and no one, including the Government, can enter into an argument or controversy with the Speaker over such interpretation.

The Speaker acts as the Head of the Assembly Secretariat in respect of appointment, leave, etc., of Group 'A' employees, and also in the matter of determination of administrative policies. He is also the

Appellate Authority. The Deputy Speaker has no administrative powers.

The Speaker nominates members in some statutory bodies and also nominates delegates to attend various Conferences and Seminars from amongst the MLAs. The Speaker also nominates members to the Committees excepting those where the members are elected and appoints Chairmen to difference Committees. He is also the President of Commonwealth Parliamentary Association, West Bengal Branch. Tables 3 and 4 show the names and tenure of the Speakers and the Deputy Speakers of the Legislative Assembly.

Table 3: Statement Showing the Names and Tenure of Speakers, Legislative Assembly

Name	Tenure	
	From	To
Sir Azizul Haque	7.4.1937	27.4.1943
Shri Syed Nausher Ali	1.3.1943	14.5.1946
Shri Nurul Amin	14.5.1946	15.8.1947
Shri Iswar Das Jalan	21,11.1947	19.6.1952
Shri Shaila Kumar Mukherjee	20.6.1952	20.3.1957
Shri Shankar Das Banerjee	4.6.1957	15.5.1959
Shri Bankim Chandra Kar	22.2.1960	11.3.1962
Shri Keshab Chandra Basu	12.3.1962	7.3.1967
Shri Bejay Kumar Banerjee	8.3.1967	2.5.1971
Shri Apurba Lal Majumdar	3.5.1971	23.6.1977
Shri S.A.M. Habibullah	24.6.1977	13.6.1982
Shri Hashim Abdul Halim	14.6.1982	till date

Table 4: Statement Showing the Names and Tenure of Deputy Speakers, Legislative Assembly

Name	Tenure	
	From	To
Shri Ashrafali Khan Chowdhury	1937	1941
Shri Syed Jalaluddin Hashemy	18.2.1942	17.11.1945
Shri Taffazal Ali	14.5.1946	15.8.1947

Name	Tenure	
	From	To
Shri Ashutosh Mallick	21.11.1947	19.6.1952
Shri Ashutosh Mallick	20.6.1952	4.5.1966
Shri Narendra Nath Sen	29.8.1966	28.2.1967
Shri Haridas Mitra	8.3.1967	20.2.1968
Shri Apurba Lal Majumdar	6.3.1969	30.7.1970
Shri Pijush Kanti Mukherjee	3.5.1971	25.6.1971
Shri Haridas Mitra	24.3.1972	30.4.1977
Shri Kalimmudin Shams	27.6.1977	24.5.1982
Shri Kalimmudin Shams	14.6.1982	25.3.1987
Shri Anil Mukherjee	6.5.1987	31.3.1991
Shri Anil Mukherjee	18.7.1991	—

PROCESS OF LEGISLATION

All proposals for legislation and all matters of substance to be included in the proposed legislative measure are initiated by the concerned Administrative Department in consultation with the Legislative Department of the State Government. The works designed to codify and consolidated the existing enactments, and the Legislation of a formal character, such as repealing and amending Bills, rest with the Legislative Department. In all other cases the concerned Administrative Department proposes the legislation.

Every legislative proposal, after consideration by the Minister-in-charge, is submitted to the Chief Minister for his orders for circulation among the other Cabinet Ministers for opinion. After the approval of the legislative proposal by the Cabinet, the Department concerned decides on the involvement of expenditure from and out of the Consolidated Fund of the State, in consultation with the Finance Department and that is incorporated in the proposal as Financial Memorandum. Thereafter the Legislative Department prepares a 'tentative Draft Bill'. The Legislative Department finalises the draft Bill after examination by the Administrative Department for obtaining the previous sanction of the President or recommendation of the Governor, as the case may be.

The Government may order the publication of any Bill (together

with the Statement of Objects and Reasons and the Financial Memorandum, if any, accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it is not necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it is not necessary to publish it again. Any Minister, in case of Government Bill, is called the Member-in-charge of the Bill.

Private Members' Business: The last two and half hours of a sitting on every Friday are allotted for transaction of the Private Members' Business. Discussion on the Private Members' Bills takes place on the day allotted for disposal of Private Members' Business. A Private Member's bill pending before the House shall be removed from the Register of Bills pending in the House when:

(a) the Member-in-charge of the Bill ceases to be a member of the House; and
(b) the Member-in-charge of the Bill is appointed a Minister.

Money Bills: A Bill is deemed to be a Money bill when it contains only provisions dealing with all or any of the matters, as specified in Article 199 of the Constitution of Indian.

The different stages of legislation are as follows:

(i) Introduction and Publication of Bills.
(ii) Motions after introduction of Bills.
(iii) Presentation of the report of a Select Committee and the consideration thereof when the Bill is returned by the Select Committee.
(iv) Amendments to Clauses, etc. and consideration of Clauses.
(v) Passing of Bills.
(vi) Adjournment of Debates on the withdrawal of removal of Bills from the Register of Bills.
(vii) Authentication of Bills.
(viii) Reconsideration of Bills when returned by the Governor or the President.

(ix) Authentication of Bills passed again by the House.

There are two types of amendments to the Bills:-

(a) Amendment to introduction motion of a Bill,
(b) Amendment to the consideration motion of a Bill.

Select Committee: The motion for reference to a Select Committee of a Bill is moved after the introduction of a Bill. The Select Committee of a Bill may hear expert evidence and representatives of that section of people who are affected by this proposed measure. The procedure in respect of submission of amendments to the Bill and consideration thereof in the Select Committee is the same as is observed in the House in the case of a general Bill.

As soon as may be after a Bill has been referred to a Select Committee, the Select Committee shall meet from time to time in accordance with Rule 261, to consider the Bill and shall make a report thereon within the time fixed by the House:

Provided that where the House has not fixed any time for the presentation of the report by a Select Committee, the report shall be presented before the expiry of three months from date on which the House adopted the motion for the reference of the Bill to the Select Committee.

Provided further that the House may at any time, on a motion being made, direct that the time for the presentation of the report by the Select Committee be extended to a date specified in the motion.

The Select Committee shall, in their report, state whether the publication of the Bill directed by these rules has taken place, and the date on which the publication has taken place.

Where a Bill has been altered, the Select Committee may, if they think fit, include in their report a recommendation to the member in charge of the Bill that his next motion should be a motion for circulation, or, where the Bill has already been circulated, for re-circulation.

Any member of the Select Committee may record a minute of dissent on any matter or matters connected with the Bill or dealt with in the

report.

When a Bill is passed by the House, the Bill is signed in triplicate by the Speaker for presentation of the same to the Governor for his assent. Having received the assent of the Governor or the President, as the case may be, a Bill becomes an Act.

The Administrative Department consults the Legislative Department for the examination of Bills as passed by the Legislature in regard to the necessity of reserving the same for the consideration of the President.

Where the Governor directs that the Bill should be reserved for the consideration of the President, necessary steps in his behalf are taken by the Secretary to the Governor in consultation with the Administrative and Legislative Departments. There are several instances of withholding of President's assent to the Bills passed by the Legislature.

Amendment of the Constitution: After the Secretary has reported to the House the message received by him from a House of Parliament for the ratification of an amendment to the Constitution under the proviso to Art. 368, and laid the same on the Table, any member may, after giving seven days' notice or with the consent of the Speaker at shorter notice, move a resolution that the amendment to the Constitution proposed by the Bill as passed by the House or Parliament be ratified. If copies of the said Bill have not been available for the use of members three days before the resolution is moved, any member may object to the moving of the resolution and such objection prevails unless the Speaker allows the resolution to be moved. The Speaker, in consultation with the Leader of the House fixes a date for a discussion on the resolution. No amendment is proposed to such a resolution. The Speaker may prescribe a time limit for the speeches. At the end of the debate, the voting takes place. The resolution as decided in the House is then sent to the House of Parliament from which the message was received.

If the communication for the ratification of an amendment of the Constitution proposed by a Bill passed by Parliament is received by the State Government, any Minister may, after giving seven days' notice, move a resolution that the amendment to the Constitution

proposed by the Bill be ratified. If the resolution is passed by the House, a copy shall forwarded to the Minister who moved the resolution.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

The Question Hour:- The first hour of every sitting is available for the asking and answering of questions unless the Speaker directs otherwise. A question may be put to a Minister with regard to any matter within his cognisance. The notices of questions may be given in writing to the Secretary twelve clear days in advance of the date on which the question is proposed to be placed on the list of questions for answer giving the official designation of the Minister to whom the question relates. All the notices of questions are received after the issue of Summons. If oral answer to a question is required by the member, he has to mark the question with an asterisk. Questions without asterisk mark are called unstarred questions. Not more than three admitted Starred questions by the same member are placed on the list of questions for oral answer on any day. These questions are listed in three rounds so that one member cannot have more than one question in each round. Questions in excess of three are placed on the List of Questions for written answer. In the case of unstarred questions, however, there is no such restriction.

List of questions (i) for starred questions (without the answers) and (ii) for unstarred questions together with their respective answers are printed for each day of the sitting and circulated in the House. Different days of the week are allotted in rotation for answering the starred questions which are answered orally on a day. If a question is of an urgent character and the Speaker admits it a member may ask such question on shorter notice than is otherwise required (twelve clear days). In case of such question an enquiry is made from the Minister concerned as to whether he is in a position to reply and, if so, on what date. If the Minister concerned agrees to reply, such question is answered on the date to be indicated by him and is called immediately after the other questions have been disposed of. Generally one

hour is scheduled for answering oral questions.

Pending starred questions, if any, are taken up before the regular list of Question for Oral Answer for the day. Short Notice question is also allowed to be answered orally beyond the scheduled one hour it is not covered within the time limit.

Half-an-Hour Discussion: Any member may give a written notice to the Secretary three days in advance to seek to raise a half-an-hour discussion on a matter of sufficient public importance which is the subject of a recent question, oral or written, and the answer to which needs elucidation on a matter of fact. The member must briefly specify the point(s) that he wishes to raise and state the reasons for raising discussion on the subject matter of question in an explanatory note to be accompanied with the notice. The notice must also be supported by the signatures of at least two other members. The Speaker decides the admissibility of the notice. If the notice is admitted by the Speaker, he allots half-an-hour's time for its discussion. The member who has given the notice or in his absence, any member who has supported the notice makes a short statement and the concerned Minister replies briefly. The prevalent practice is that generally it is discussed before Special Mention (Cases) but after calling attention is disposed of. If more than two notices have been received and admitted, the Secretary holds a ballot with a view to drawing two notices in the order in which they were received in point of time. If any matter put down for discussion on a particular day is not disposed of on that day, it is not be set down for any other day unless the members so desire, in which case it is included in the ballot for the next available day.

Motion of No-Confidence: Under Article 164(2) of the Constitution, a motion may be made to express want of confidence in the Council of Ministers or to disapprove the policy of the Council of Ministers in a particular respect. The member intending to move such a motion has to give to the Secretary a written notice thereof before the commencement of the sitting of the day. If the Speaker is of the opinion that the motion is in order, he, after the Questions and before the List of Business for the day is entered upon, reads the motion to the House and requests those members who are in favour of leave being granted to rise in their places, and if not less than thirty members rise

accordingly, he declares that leave is granted and fixes a day or days or part of a day for discussion of the motion. The day for the discussion so fixed must not be beyond ten days from the date on which the leave is asked for. At the end of the discussion the Speaker forthwith puts every question necessary to determine the decision of the House on the motion. The Speaker may also fix time-limit for the speeches on the motion.

Adjournment Motions: Adjournment motion is a motion intended to secure a decision on a matter of urgent public importance and of recent occurrence by interrupting the normal business of the House. Notice of such a motion is required to be given in a prescribe form to the Secretary at least one hour before the commencement of the sitting on the day on which the member desires to ask leave of the House to move such a motion. A short statement of the matter proposed to be discussed must also accompany the notice. Such a motion can be made only with the consent of the Speaker. If the Speaker gives his consent and holds that the matter proposed to be discussed is in order, he, after the question and before the List of Business is entered upon, calls the members concerned to ask for leave to move the adjournment of the House. If objection to leave being granted is taken, the Speaker requests those members who are in favour of leave being granted to rise in their places. If not less than 30 members rise accordingly, the Speaker intimates that the leave is granted. The Speaker fixes a time for discussion of the same. The debate on an adjournment motion lasts for two hours and if not earlier concluded, automatically terminates at the end of two hours' debate and thereafter no question can be put. If no vote is taken within the time, the adjournment motion is said to be "talked out" without a verdict. No member is allowed to speak for more than 15 minutes.

No-Day-yet-Named Motion: If a motion is admitted by the Speaker and no date is fixed for discussion of such motion, it is immediately notified in Bulletin Part II with the heading "No-Day-Yet-Named Motion". The Speaker, in consultation with the Leader of the House, allots a day or days or part of a day for discussion of any such motion as has been admitted by him. In practice the Speaker fixes the date and time in consultation with the Business Advisory Committee. On the appointed time, on being called by the Speaker, the member in

whose name the motion stands in the List of Business, formally moves the motion and makes his speech. Amendments or substitute motions if any, are moved by members and discussion follows. After the members and the Minister concerned have participated in the debate, the mover of the motion again speaks by way of reply. If the motion is moved by a private member the Minister concerned may, with the permission of the Speaker, speak, whether he has previously spoken in the debate or not, after the mover has replied. After that, amendments and substitute motions, if any, are put to the vote of the House and disposed of. The main motion is then put to Vote. The Speaker may, if he thinks fit, prescribe time-limit for the speeches.

Censure Motion: There is no specific provision in the Rules of Procedure for moving a Censure motion. Such a motion is governed by the rules applicable to motions in general and can be admitted as a "No-Day-yet-Named-Motion".

Short Duration Discussion: A member desirous of raising such discussion is required to give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. The notice must be accompanied by an explanatory note stating reasons for raising such discussion and supported by the signatures of at least two other members. If the Speaker is satisfied after calling for such information from the member and the Minister concerned, as the Speaker may consider necessary, as to the admissibility of such notice, he, in consultation with the Leader of the House, fixes the date and time not exceeding two hours and a half for discussion. For the discussion no formal motion before the House is required to be made. The member concerned makes a short statement and the Minister too replies in brief. Any member with the previous permission of the Speaker, may take part in the discussion. At the end of the discussion there is no voting. The Speaker may, if he thinks fit, fix a time limit for speeches.

Calling Attention Notices: A member wishing to call the attention of a Minister to any matter or urgent public importance on a day may give a notice in writing to the Secretary at least one hour before the commencement of the sitting of the day. On admission of such notice by the Speaker, the Minister concerned moves a brief statement on the day or any day as he agrees. There is no debate on such statement

at the time it is made. Not more than one such matter is raised on a day. In the event of receipt of more than one such notice for a particular day, the Speaker selects the one which in his opinion is more urgent and important. The matter is raised after the questions and before the List of Business is entered upon.

A member who wishes to bring to the notice of the House any matter, which is not a Point of Order, shall give notice to the Secretary in writing stating briefly the points which he wishes to raise in the House together with reasons for wishing to raise it and he shall be permitted to raise it only after the Speaker has given consent and at such time and date as the Speaker may fix.

Private Members' Resolution: After publication of the notice in Bulletin Part–II regarding the date(s) of ballot for names of private members willing to give notice of resolutions, a member may give written intimation in the prescribed form to that effect to the Secretary at least two days before the ballot. The names of members from whom intimation is received are balloted and those securing the first three places in the ballot for any particular day, are intimated accordingly and they are requested to give notice of not more than three resolutions with the order of priority indicated therein within two days after the date of ballot. Only one resolution of each of these members, if admitted by the Speaker, is entered in the List of Business.

The discussion on a resolution shall be strictly relevant to and within the scope of the resolution. In the debate on a resolution, the time limit for every speech is fifteen minutes. But the mover of the resolution, when moving the same and the Minister concerned, when speaking for the first time may be allowed thirty minutes' time for their speeches. These time- limits may, however, be extended with the permission of the Speaker.

Government Resolutions: A minister may also give notice of a resolution relating to a matter of general public interest or the Constitution. Such resolutions moved by a Minister on behalf of the Government are called Government Resolutions and those are taken up in the House on the day or days on which Government business is transacted.

Governor's Address: The Governor addresses the House under the provisions of the Constitution. The Address contains a review of the

activities and achievements of the Government and the policies with regard to important current problems, besides a brief account of the programme of Government business for the session. Generally four days are reserved for discussion on Governor's Address. This occasion provides for a general debate on the performance of the Government.

Petitions: Rules 156 to 165 and Rules 299 and 300 of the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly lay down the procedure for presentation of Petitions. A petition, couched in respectful, decorous and temperate language, may be addressed to the House and conclude with a prayer reciting the definite object. A petition has to be signed by the petitioner(s) and must set out the full name and address of every signatory to the petition. Letters, affidavits or other documents are not to be attached to any petition. Petitions may be presented by member(s) or be forwarded to the Secretary, Legislative Assembly. The language should either be English or Bengali; and if a petition is made in any other Indian languages, it shall be accompanied by a translation either in Bengali or English. Every petition is, after presentation, referred to the Committee on Petitions.

At the commencement of the first session in each year, the Speaker nominates a Committee on petitions consisting of not more than fifteen members. The Chairman is appointed by the Speaker and no Minister is to be nominated as a member of the Committee.

The Committee examines petitions on Bills and on matters of general public interest and also entertains representations on matters concerning subjects involving the Government's responsibility.

BUDGET IN LEGISLATURE

The Budget: Under Article 202 of the Constitution, a statement of estimated receipts and expenditure of the Government has to be laid before the Legislature of the State in respect of every financial year which runs from 1 April to 31 March. This annual Financial Statement, titled Budget of the State Government is the main Budget document.

The form in which the Budget is drawn up is dependent upon the

form in which the accounts of a State are kept. In order to achieve uniformity, the President, on the advice of the Comptroller and Auditor-General of India, prescribes the same form of accounts throughout India.

The Finance Department determines the nature of demands. The demands are classified after consulting the Committee on Estimates.

The Budget Statement shows the receipts and payments of Government under the three parts in which Government accounts are kept: (i) Consolidated Fund, (ii) Contingency Fund, and (iii) Public Account. The Budget also distinguishes expenditure on revenue account from other expenditure. The Government Budget, therefore, comprises (i) Revenue Budget and (ii) Capital Budget.

The Budget has to be passed either totally or in part before 31 March of each year. The Budget is ordinarily presented in the month of February or March each year. The Finance Department prepares the Budget by the end of December. It is presented along with an explanatory Memorandum and contains the estimates of receipt and expenditure.

The Memorandum contains a comparative statement of such receipts and expenditure for the previous year, the current year and the next year and reasons for any increase or decrease in the amounts.

No specific date is fixed for the presentation of Budget by way of convention or practice. Usually it is presented in February each year but sometimes the Budget is also presented in March. Rule 206 of the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly prohibits discussion on the Budget on the day on which it is presented to the House. As a convention no other discussion takes places on the day of presentation of the Budget.

Subsequent to the presentation of the Budget, the general discussion takes place. There is no motion before the House at this stage but the Budget is discussed in a general way. Members are at liberty to discuss the Budget as a whole or any question of principle involved in it. The Finance Minister has a right to reply at the end of the discussion. Other Ministers also may take part in the discussion. The general discussion on the Budget continues for not more than four days.

Demands for Grants: After the general discussion is over, the Demands for Grants relating to each department are moved in the House on a day. The Minister-in-charge of a particular Department makes a demand for the grant of money required by him for his Department. Demands for grants relating to the departments on which Subject Committees are constituted stand referred to the appropriate Subject Committees. All the demands for grant are discussed and voted but the demands which are under consideration of the Subject Committees can be discussed only after presentation of the reports of those Subject Committees. To a motion for a Demand for Grant, an amendment may be moved for reduction of the grant which is known as motion for reduction or Cut Motion. The individual grant and the amendment for reduction of the grant are put to vote after discussion. Not more than two days are allotted for the debate on any particular demand.

For the voting of demands for all the grants not more than 20 days are allotted including the day or days taken for the Vote on Account. On the last of the allotted days, one hour before the time fixed for adjournment for the day, all demands which have not been voted by the House are guillotined, that is, put to vote without debate.

The notices of Cut motions can be given on such heads of expenditure as are votable by the House. Cut Motions are divided into three categories; namely, the Disapproval of Policy Cut, the Economy Cut and the Token Cut.

(a) *Disapproval of Policy Cut* is suggested by a motion "that the amount of the demand be reduced by Re.1" representing disapproval of policy underlying the demand. A member giving notice of such motion should indicate in precise terms the particulars of the policy which he proposes to discuss. The discussion should be confined to the specific point or points mentioned in the notice and it shall be open to the member to advocate an alternative policy.

(b) *Economy Cut*, namely, a motion "that the amount of the demand be reduced by a specific amount" representing the economy that can be effected. Such specific amount may be

either lump-sum reduction in the demand or omission or reduction of an item in the demand. The member giving notice of such a motion should indicate briefly and precisely the particular matter on which discussion is sought to be raised and speeches should be confined to the discussion as to how economy can be effected, and

(c) *Token Cut* , namely, a motion "that the amount of the demand be reduced by Rs.100" in order to ventilate a specific grievance, which is within the sphere of the responsibility of the State Government. The discussion on such a motion shall be confined to a particular grievance specified in the Motion.

The Speaker decides whether a Cut Motion to a Demand for Grant is or is not admissible and may disallow any such motion when in his opinion it is an abuse of the right of moving motions for such reduction. The time for giving notice of a Cut motion is also appointed by the Speaker.

A maximum of four day are allotted for general discussion on the Budget. The voting on Demand for Grants for any financial year shall take place on such days not exceeding twenty. These twenty days shall include the days taken for a vote on account. Note more than two days are allotted to the discussion on any one demand.

LEGISLATIVE COMMITTEES

The enormity of legislative work and the complexity of administrative action make it imperative for the Legislature to have Committees. These serve as a mechanism for adequate Legislative surveillance over the administration.

In the West Bengal Legislative Assembly there are two types of Committees and the *Ad hoc* Committees. The following twenty-three Committees are the Permanent Committees:-

(a) Business Advisory Committee,

(b) Committee on Petitions,
(c) Committee on Public Accounts,
(d) Committee on Estimates,
(e) Committee on Public Undertakings,
(f) Committee on Privileges,
(g) Committee on Government Assurances,
(h) Committee on Subordinate Legislation,
(i) Rules Committee,
(j) Committee on the Welfare of Scheduled Castes and Scheduled Tribes,
(k) Library Committee,
(l) House Committee,
(m) Subject Committee on Health and Family Welfare,
(n) Subject Committee on Panchayat,
(o) Subject Committee on Education and Information and Cultural Affairs,
(p) Subject Committee on Transport,
(q) Subject Committee on Irrigation and Waterways,
(r) Subject Committee on Welfare, Tourism, Sports and Youth Affairs,
(s) Subject Committee on Environment
(t) Subject Committee on Agriculture, Food and Civil Supplies,
(u) Subject Committee on Public Works,
(v) Subject Committee on Power, Commerce and Industries, and
(w) Committee on the Entitlements of the Members.

Among these permanent Committees, there are three Financial Committees—the Committee on Public Accounts, the Committee on Estimates and the Committee on Public Undertakings. These three financial committees constitute by for the most potent legislative mechanism for effective financial accountability of administration.

Committee on Public Accounts: The Committee on Public Accounts was first constituted in the Bengal Legislative Council as far back as

in 1921. After Independence, the Committee system has undergone tremendous change. Up till 1964, the Finance Minister used to be the Chairman of the Committee. Thereafter, a member of the ruling party was made the Chairman and it continued till 1967. Since 1967 it has become a convention to choose a leading member of the Opposition for appointment as the Chairman of the Committee.

At present the Committee consists of fifteen members. The members are elected by the House from amongst the members according to the principle of proportional representation by means of the single transferable vote. The Chairman of the Committee is appointed by the Speaker from amongst the members of the Committee. The term of office of the members of the Committee is one year, but any member can be eligible for re-election.

The functions of the Committee on Public Accounts are to scrutinize the Appropriation Accounts of the State Government and the Report of the Comptroller and Auditor-General thereon and to satisfy itself that the money shown in the accounts as having been disbursed were legally available for, and applicable to, the services or purposes to which they have been applied or charged, that the expenditure conforms to the authority which governs it and that every re-appropriation has been made in accordance with the existing rules.

The Reports of the Committee on Public Accounts are simply presented to the House by the Chairman or by any other member of the Committee and the reports are not discussed by the House.

Committee on Estimates: The Committee on Estimates was first constituted in the year 1963 in the West Bengal Legislature. The Committee on Estimates is an elected one and the members of the Committee are elected by the House every year from amongst the members according to the principle of proportional representation by means of the single transferable vote. The Chairman of the Committee is appointed by the Speaker from amongst the members of the Committee. The Committee consists of not more than nineteen members and the term of the office of the members of the Committee is one year. The functions of the Committee are:

(a) to report what economies, improvements in organisation,

efficiency or administrative reform, consistent with the policy underlying the estimates, may be effected;

(b) to suggest alternative policies in order to bring about efficiency and economy in administration;

(c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and

(d) to suggest the form in which the Estimates shall be presented to the Legislature.

The Reports of the Committee on Estimates are presented to the House by the Chairman, or in his absence, by any other member, and no discussion is made on the Reports.

Committee on Public Undertakings: As late as 1974, there were only two Financial Committees in the West Bengal Legislature, namely, the Public Accounts Committee and the Committee on Estimates. As these two Financial Committees were overburdened with their normal work and as it was becoming difficult for them to carry on the work relating to the examination of Public Undertakings, the number of which was gradually increasing year after year, it was thought prudent to set up a separate Committee like the one in Parliament. Accordingly, relevant rules were framed and the Committee on Public Undertakings was constituted for the first time in the West Bengal Legislative Assembly on 24 April, 1974 with members nominated by the Speaker.

Rule 303(1) (2) was subsequently amended in 1981 and, according to the new rule, the members of the Committee are elected by the House every year from amongst its members according to the principle of proportional representation by means of single transferable vote. The Chairman of the Committee is appointed by the Speaker from amongst the nineteen members of the Committee so elected. The term of office of the members is one year and the Committee shall hold office until a new Committee is constituted. They are eligible for reappointment.

LEGISLATIVE PRIVILEGES

Privileges are not yet codified by an Act of the Parliament or

Legislature. Some of the privileges of the House, its members and Committees are specified in the Constitution, certain statutes and Rules of Procedure of the House, and the others are based on precedents and conventions gradually developed in the country.

A member wishing to raise a question of privilege is required to give notice in writing to the Secretary before the commencement of the sitting on the day on which the question is proposed to be raised. If the question proposed to be raised is based on a document, the notice must be accompanied by the document. If the Speaker is satisfied that there is a prima facie case that a breach of privilege has been committed and that the matter is being raised at the earliest opportunity, he may allow the members to raise the matter as a question of privilege. Such matters are raised immediately after the questions and before the List of Business for the day is entered upon. On a motion being made for the purpose, the House may consider the matter and come to a decision or may refer it to the Committee of Privileges. A motion on a matter of privilege arising during the sitting of the House shall be entitled to immediate precedence over all other business. The Speaker may also refer any question of privilege to the Committee of Privileges for examination, investigation or report.

The Committee of Privileges: The Committee examines every question involving breach of privilege of the Assembly or of the members or of any Committee thereof referred to it by the Assembly or by the Speaker. It determines with reference to the facts of each case whether a breach of privilege is involved and if so, the nature of the breach, the circumstances leading to it and makes suitable recommendations in the report.

The Committee is nominated by the Speaker at the commencement of the first session in each year and it consists of fifteen members under the Rules of Procedure. The Deputy Speaker is appointed as the Chairman of the Committee provided he is a member of the Committee. Members from almost all the recognised political parties of the Legislature are taken on the Committee.

SERVICING OF LEGISLATURE

The Secretary: The Secretariat is headed by the Secretary, Legislative Assembly. He is appointed by the Governor. He is the Controlling Officer in respect of the Budget head relating to the Assembly Secretariat as well as of the Assembly. He becomes the Returning Officer of the elections to Rajya Sabha. He also acts as the Secretary of the C.P.A. Branch of West Bengal.

His age of retirement is 58 years. His position and status are same as those of the heads of government departments.

Table 6 shows the successive heads of the Legislative Secretariat

Table 6: Successive Heads of the Legislative Assembly Secretariat

S.No.	Name of the Successive Secretary	Tenure	
		From	To
1.	Shri A.R. Mukherjea	15.8.1947	31.12.1962
2.	Shri P. Roy	1.1.1963	11.4.1969
3.	Shri S. Banerjea	12.4.1969	3.1.1972
4.	Shri K.K. Maitra	4.1.1972	31.1.1975
5.	Shri D.N. Banerjea	1.2.1975	30.8.1978
6.	Shri P.K. Ghosh	30.8.1978	16.7.1982
7.	Shri K.N. Mukherjea	20.8.1982	30.6.1985
8.	Shri A. Rahman	1.12.1985	31.12.1986
9.	Shri L.K. Pal	1.1.1986	31.4.1989
10.	Shri S.R. Chattopadhyay	1.2.1990	till date

The Secretariat: The work of the Legislative Assembly Secretariat is divided under the following three wings, namely, (1) the Administrative Wing; (2) the Technical Wing; and (3) the Committee Wing. Matters relating to establishment, accounts, travelling and dearness allowances, cash, stores, State Legislators' Hostel, despatch and Central receipts, Public relations, election, and works relating to the Commonwealth Parliamentary Association came under the Administrative Wing. Items like Legislation, questions, proceedings and

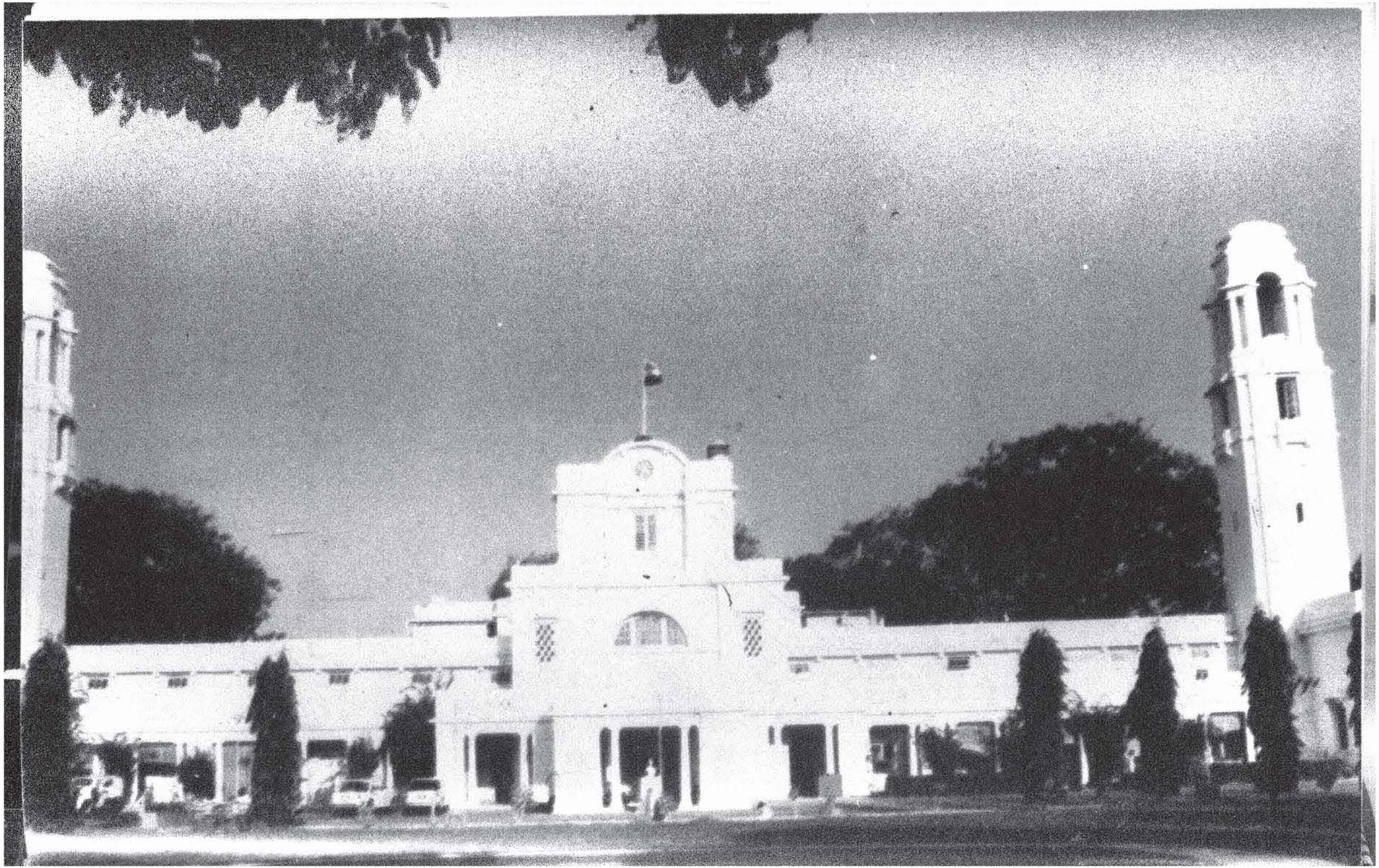
miscellaneous technical subjects come under the Technical Wing. The Committee Wing looks after the work pertaining to various Committees.

Library, Research, Reference, Documentation and Information Service: The Library is located in the main building of the Assembly House. There are more than one lakh books in the Library.

Documentation service is available for the members of the Assembly. The nature of service includes the publication of bulletins in book form and supply of materials collected from periodicals and newspapers, etc., for the use of members.

Commonwealth Parliamentary Association: After the formation of the new Legislature under the Constitution, a branch of the Commonwealth Parliamentary Association was formed for the Legislature of West Bengal in pursuance of a resolution passed in the Assembly on 5 August, 1952 and by the Council on 6 August, 1952. In fact, there was a Bengal Branch of the Commonwealth Parliamentary Association since 1939 but after the partition of Bengal, it did not function. A Women's Parliamentary Group under the aegis of the CPA, West Bengal Branch was constituted on 16 September, 1991.

Part III
The Union Territory Legislatures



DELHI

ORIGIN AND GROWTH

The crescent edifice of the Metropolitan Council of today and the Imperial Legislative Council and Central Legislative Assembly of 1913-1926, facing Alipur Road in the vicinity of the ridge has not only witnessed the history of Delhi as also that of 20th century India in the process of their making but has also been that very site wherefrom the wind of democratisation blew high over the political firmament of modern India. It was here that the foundation of the Indian parliamentary system was laid in the beginning of this century. The grand and magnificent historic chamber of today's Metropolitan Council of Delhi is the solitary witness of the fiery but evocative speeches of great patriotic Indian leaders and parliamentarians such as V.J. Patel, Gopal Krishna Gokhale, Moti Lal Nehru, Madan Mohan Malaviya, Lala Lajpat Rai, Tej Bahadur Sapru, Surendranath Banerjea, Mazharul Haque, Sachchidananda Sinha and others who led the nation to the goal of freedom.

Calcutta was the capital of the British Empire in India up to 1911. It was also the seat of both the Central Government and the Bengal Government. It was Lord Hardinge, the Viceroy of India, who took the historic decision in 1911 to transfer the Imperial Capital from Calcutta to Delhi and to make the latter the seat of the Central Government. The actual transfer of the capital took place in 1912.

The Metropolitan Council of Delhi has stepped into its 27th year of age since its inception in 1966. But the Council Chamber which presently houses the Metropolitan Council has a much older history. The chamber was actually built for the meeting of the Imperial Legislative Council, which was reconstituted under the Morley- Minto Act of 1909 and had been functioning from 1910 in Calcutta. The first

← Metropolitan Council Building, Delhi.

session of the Imperial Legislative Council took place in this Council Chamber in January 1914. The Imperial Legislative Council was later substituted by two Houses, namely, the Central Legislative Assembly and the Council of States which were constituted in 1921 under the Montagu-Chelmsford Act of 1919. The meetings of the Central Legislative Assembly and the joint sessions of the two Houses were held in the Council Chamber, while the Metcalfe House was the venue of the meetings of the Council of States. After 1926, the Central Legislative Assembly was shifted from the Old Secretariat to the Parliament House.

After independence, while other States of the country got their Legislative Assemblies irrespective of their population, various systems of running the administration of Delhi—the capital of free and sovereign India—have been tried from time to time. On 17 March 1952, the Delhi State Assembly was constituted under the Government of Pat 'C' States Act of 1951. This was done on the basis of the recommendations of the Pattabhi Committee. This attempt for a popular set up for Delhi, however, proved to be short lived as the Assembly was abolished on 1 October, 1956 by the Constitution (Seventh Reorganisation Commission. Later the Municipal Corporation of Delhi was set up on 7 April 1958 under the Delhi Municipal Corporation Act, 1957. Simultaneously, two non-official Committees, namely, Public Relations Committee and the Industrial Advisory Board were also set up under the Chairmanship of Shri Gopi Nath Aman and Dr. Yudhvir Singh, respectively, in order to associate the people of Delhi with the Delhi Administration. But despite the fact that these Committees had endeavoured to solve the problems of the people of Delhi with all their might, and of course within their limitations, these could not become any substitute for an Assembly. Eventually, when the Delhi Pradesh Congress won the elections in 1962, it was considered as people's verdict in support of an Assembly for Delhi as this was one of the party's main election issues.

Finally, as a result of the recommendations of the Administrative Reforms Commission, the Delhi Administration Bill, 1966 was passed and was assented to by the President of India on 2 June 1966. This Bill had fully endorsed the recommendations of the Commission

favouring a deliberative body for Delhi in an advisory capacity. Presently, the Union Territory of Delhi is governed as follows. At the top, there is Lieutenant Governor or Administrator of Delhi who is appointed by the President of India under Article 239 of the Constitution. The Executive Council consists of the Chief Executive Councillor and three other Executive Councillors and is set up under Section 27 of the Delhi Administration Act. The Metropolitan Council of Delhi is a unicameral deliberative body set up under the Delhi Administration Act.

STRUCTURE OF LEGISLATURE

At present the Metropolitan Council consists of 56 elected members and five nominated by the Central Government. In accordance with the Constitutional provisions relating to the Parliament and the State Legislatures, the Delhi Administration Act also specifies that seats shall be reserved for the Scheduled Castes in the Metropolitan Council and the number of such seats shall bear, as nearly as may be, the same proportion to the total number of seats in the Metropolitan Council as the population of the Scheduled Castes in Delhi bears to the total population of Delhi.

The Interim Metropolitan Council constituted under Section 32 of the Delhi Administration Act, 1966 had only forty seven members (42 elected and 5 nominated). The Interim Council had a very short spell of its functioning from September, 1966 to February 1967 and could hold only one session of 15 sittings (from 3 October 1966 to 28 October 1966).

As is the case with other State Legislative Assemblies in the country, the normal tenure of the Metropolitan Council unless sooner dissolved, is five years, as per provisions of Section 10 of the Delhi Administration Act. Till recently, the expiration of the said period of five years operated as a dissolution of the Metropolitan Council. The relevant provision contained in Section 10 of the Act has, however, been amended by the Delhi Administration (Amendment) Act, 1987 to provide that the said period of five years can be extended by the Central Government by notification by such period not exceeding one

year at a time, subject, however, to the limitation that the total extended period shall not exceed three years. There is further provision that the said period or the extended period can be further extended when a Proclamation of Emergency, issued under Article 352 (1) of the Constitution, is in operation.

Details of the tenure of the Metropolitan Council of Delhi are given in Table 1 below:

Table 1: Tenure of the Metropolitan Council

Sl. No.	Metropolitan Council	Tenure	
		From	To
1.	Interim	1966	1967
2.	First	1967	1972
3.	Second	1972	1977
4.	Third	1977	1980
5.	Fourth	1983	1990

The Fourth Metropolitan Council was constituted on 8 February, 1983 and its first sitting was held on 17 March 1983. The normal duration of five years of the life of the Council was to end on 16 March 1988, but in view of the aforesaid amendment of Section 10 of the Delhi Administration Act, the President by separate orders had twice extended the term of the Council by one year each, first up to 16 March 1989 and again, by another year up to 16 March 1990, on the ground that it was considering the question of reorganising the administrative set up of the Union Territory of Delhi. Eventually, the Council was dissolved by an order of the President on 12 January 1990.

ELECTIONS, PARTIES AND MEMBERS

Party Whips: There is no provision either in the Delhi Administration Act or in the Rules of Procedure of Metropolitan Council or the Presidential Orders regarding salary and allowances with regard to the various functionaries of the Council or Whips in the House. However, in practice the Chief Whip and Whip of the Ruling Party are

nominated by the Leader of the House and the Whips of other parties by the Leaders of the respective parties in the Council.

Leader of the Opposition: The leader of the largest recognised party in the Opposition having the strength of 15 or more members is recognised as the Leader of the Opposition in the Metropolitan Council although there is no specific provision in the Act or the Presidential Orders made thereunder in this regard. There is also no specific provision for the grant of any special status to the Leader of the Opposition. He draws his pay and other allowances as a member only. He is, however, given a room in the precincts of the Council and is provided with secretarial assistance. As a matter of practice, he is also nominated as the Chairman of the Committee on Assurances of the Metropolitan Council.

Qualification for Membership: So far as the membership of the Metropolitan Council is concerned, it is provided in Section 6 of the Delhi Administration Act that a person is not qualified to be chosen to fill a seat in the Metropolitan Council unless he (a) is an elector for any constituency and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation; (b) is not less than twenty five years of age; and (c) in the case of a constituency reserved for the Scheduled Castes, is also a member of any of those castes. Section 19 of the Act specifies certain other conditions such as holding office of profit which disqualifies a member.

Oath / Affirmation: Immediately after the election of the member to the Metropolitan Council and subsequent to the official notification by the Election Commission, every person who is so elected as a member of the Council is required under Section 16 of the Act to make and subscribe before the Administrator, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose, before he takes his seat in the Council. If a person sits or votes as a member in the Council before he has complied with the above mentioned requirement, he is liable in respect of each day on which he so sits or votes in the Council, to a penalty of five hundred

rupees to be recover i as a debt due to the Union.

Salaries and Other Facilities: The members of the Metropolitan Council are entitled under Section 21 of the Act to receive such salaries and allowances as the President may, by order, determine. Under the Members of Metropolitan Council (Salaries, Allowances and Pension) Order, 1966, as amended on 12 January 1988, a member of the Metropolitan Council receives a salary of Rs. 750/- per month during his term of office and is also entitled to receive daily allowance at the rate of Rs. 50/- for each day on which he attends a meeting of the Council and its Committees. In addition, he is paid Rs. 100/- per month as conveyance allowance and constituency allowance of Rs.250/- per mensem.

No housing facilities are provided to members. They are entitled to the reimbursement of 750 local calls including free calls plus rentals of a telephone anywhere in Delhi. Besides, they are entitled to medical and travelling allowance, as admissible to Grade I officers serving in the Administration of Delhi. In the office premises, every political party represented in the House is allotted a party office and provided with stenographic, typing and other secretarial facilities.

Resignation: The provision for resignation from membership of the Metropolitan Council is contained in Section 18(2)(b) of the Act and is similar to the provision which existed in Parliament and State Legislatures prior to the amendments of Articles 101 and 190,respectively, by the Constitution (Thirty-third Amendment) Act, 1974. According to Rule 131 of the Rules of Procedure of the Metropolitan Council, a member who desires to resign is required to submit his resignation in person under his own hand duly addressed to the Chairman without specifying any reason for his resignation. Where any member gives any reason or introduces any extraneous matter the Chairman may, in his direction omit such words, phrases or matter and the same shall not be read out in the Council. Soon after the receipt of the resignation letter from any member, the Chairman informs the Council that such and such member has resigned his seat in the Council. But when the Council is not in session, the Chairman does so immediately after the Council reassembles to the effect that so and so has resigned during

the inter-session period. In accordance with the spirit of the amendment contained in the Constitution (Thirty-third Amendment) Act, 1974, the Chairman satisfies himself, after making such enquiries as he thinks fit, that the resignation of the member is voluntary and genuine, before he announces the same in the House. There is no provision for the acceptance of resignation of a member in the Act. Subsequent to the receipt of resignation letter from the member by the Chairman of the Council, the Secretary, as soon as may be, causes the information to be published in the Gazette of the Delhi Administration and forwards a copy of the notification to the Election Commission in the case of an elected member; and to the Central Government in the case of a nominated member for taking steps to fill the vacancy thus caused.

Absence from Council: If during a period of six successive months, a member is absent from all meetings of the Council without its permission, the Council can declare under Section 18(3), of the Act his seat vacant. Permission to remain absent from meetings of the Council can be obtained by the member as per provisions of Rule 132 of the Rules of the Council.

Suspension: In a democracy where a number of parliamentary institutions and other fora are set up to air the public views on various issues directly related to public life, sometimes such unhappy situations also arise in which decorum and decency of these institutions appear to have been eroded. To deal with such unpleasant situations which require withdrawal and even suspension of some members who obstruct the proceedings of the House, certain provisions have been made in Rules of the Council which are almost similar to those of the Lok Sabha.

SESSIONS AND SITTINGS

The Administrator of Delhi is empowered under Section 11 of the Act to summon and prorogue the Metropolitan Council's session. The only condition for summoning of the session is that six months should not

intervene between its last sitting and the next session. Under the Business of Delhi Administration Rules, 1966, summoning and prorogation of sessions fall within the purview of the Executive Council and therefore the session of the Council is convened at the decision of the Executive Council and in practice in consultation with the Chairman of the Metropolitan Council.

Issue of Summons: After the necessary notification for summoning the session is issued, the members of the Metropolitan Council are requested to attend the same by the Secretary, Metropolitan Council. The summons to the members is issued ordinarily 15 days before the date appointed for summoning the session. An emergent session of the Council can, however, be summoned at only three days' notice to the members.

Table 2 shows the number of sessions held by the successive Metropolitan Councils.

Table 2: Number of Sessions Held by Each Successive Metropolitan Council

Name of the Council	Period	No. of sessions held
Interim	1966-1967	1
First	1967-1972	17
Second	1972-1977	17
Third	1977-1980	10
Fourth	1983-1989	20 (up to January 1989)

BUSINESS OF THE COUNCIL

The relative precedence of different classes of business before the Council is taken up as specified in Rule 32 of the Rules of Procedure of the Council. The Chairman, in consultation with the Chief Executive Councillor, who is the Leader of the House, refers the business before the House to the Business Advisory Committee, who recommends a time table for its discussion. After the report of the Committee is approved by the House, different items of business are listed for

discussion. During the Budget session of the Council, subsequent to the Administrator's Address which generally encompasses policy matters, the overall developmental activities of the administration and the targets achieved by it, the Address is discussed by the House by way of a Motion of Thanks. The Budgets of Delhi and the Delhi Development Authority for that year are also discussed by the House at length. Discussions on legislative proposals and matters raised under various other Parliamentary devices such as by way of Motions, Resolutions, Calling Attention, Short Duration Discussions, etc. take place, as per priority laid down in Rule 32 of the Rules unless the Chairman otherwise directs. Generally, the first hour of every sitting of the Council is available for asking and answering questions. Each day, as many as 20 starred questions are taken up for oral answers by the Chief Executive Councillor/Executive Councillors and the rest of the questions which do not fall in the category of starred questions at the time of balloting are treated as unstarred questions and written replies to such questions are laid on the Table of the House. In the Metropolitan Council, the time after the end of the Question Hour and before other business starts and which is sometimes referred to as Zero Hour, has been regularised by permitting members to make Special Mentions under Rule 230 of the Rules.

Rules of Debate: The debate in the House is regulated by the Chairman strictly in accordance with Rule 32 of the Rules of Procedure which specifies the order of different classes of business. The members speak from their allotted seats for which technical aids have been provided to them. They are not allowed to read out prepared speeches or from any book, newspaper or letter etc. in connection with the business of the Council. But the members of the Executive Council, if they wish, may read from written material as they are supposed to keep the House informed with various facts and figures.

Voting Procedure: On the conclusion of a debate on any Motion or Resolution etc., the Chairman puts the question for determining the opinion or decision of the House and announces the decision on the basis of voice-vote. But if a decision of a question is challenged, the members are requested by the Chair to rise in their places for 'Ayes'

and 'Noes' separately, and after taking an account of the same, the decision of the House is announced. If the opinion of the Chairman as to the decision of a question is challenged, the Chairman can order a division and in such cases the votes are taken by the members through division by going into the 'lobbies'. The members who stand for 'Ayes' are directed by the Chairman to go into the Right Lobby and the 'Noes' into the Left Lobby and their votes are recorded by the staff. The device of the electronic voting machine has not been introduced in the Metropolitan Council so far.

PRESIDING OFFICERS

When a new Metropolitan Council is constituted after the elections, the former Chairman of the Council ceases to hold office, and one of the senior members of the Council is appointed by the Administrator as the person before whom the members shall make oath or affirmation on the recommendation of the Chief Executive Councillor. Such a person is known as *pro tem* Chairman till the Chairman is elected by the House on a date appointed by the Administrator.

The Chairman and the Deputy Chairman of the Metropolitan Council are elected by the Council from amongst the members under the provisions of Section 12(1) of the Act. They are elected on a motion moved by a member and recorded by another by a majority vote as per procedure laid down in Rules 9 and 10 of the Rules of the Council.

The term of office of the Chairman and the Deputy Chairman of the Council is co-terminous with that of the MEtropolitan Council. However, under the second proviso of Section 12(2)(c) of this Act, whenever the Metropolitan Council is dissolved, the Chairman does not vacate his office until immediately before the first meeting of the n ext Metropolitan Council.

Section 12(5) of the Act provides that the Chairman and the Deputy Chairman shall be entitled to such salaries and allowances as the President may, by order, determine. Under the Chairman and Deputy Chairman of the Metropolitan Council (Salaries and Allowances) Order, 1966 as amended on 9 February, 1988, the Chairman and the Deputy Chairman are entitled to receive salary and constituency

allowance @Rs.750/- and Rs. 250/- per month, respectively and D.A. @Rs.50/- per sitting of the Session of the Council as are admissible to the members of the Metropolitan Council. Besides this, the Chairman and Deputy Chairman are entitled to a sumptuary allowance of Rs.500/- and Rs.300/- per month, respectively. In addition, free furnished government accommodation and a chauffeur driven car are also provided to them. Subject to the ceiling of 200 litres of petrol to be borne by the Government.

The Chairman is the custodian of the rights and privileges of the members of the Council. Inside the House, he conducts the proceedings of the Council and exercises all powers necessary for the smooth functioning and for preserving order in the House. The admission to various galleries meant for officers, press, visitors etc. is regulated in accordance with the orders made by him. No arrest can be made within the precincts of the Council without his permission.

Under Section 12(2) of the Act, a member holding office as Chairman or Deputy Chairman, may at any time by writing under his hand addressed, if such a member is the Chairman, to the Deputy Chairman, and if such member is Deputy Chairman to Chairman, resign his office. He can also be removed from his office by a resolution of the Metropolitan Council passed by a majority of all the then members.

The names of the Chairmen and Deputy Chairmen of the Metropolitan Council since its inception are given in Tables 3 and 4 respectively:

Table 3: Statement Showing the Names and Tenure of Chairmen, Metropolitan Council

Name	Tenure	
	From	To
Shri Jag Parvesh Chandra	3.10.1966	27.3.1967
Shri L.K. Advani	28.3.1967	19.4.1970
Shri Shyam Charan Gupta	19.4.1970	19.3.1972
Shri Mir Mushtaq Ahmed	20.3.1972	27.6.1977
Shri Kalka Das	28.6.1977	17.3.1983
Prof. Purushottam Goel	18.3.1983	To date

Table 4: Statement Showing the Names and Tenure of Deputy Chairmen, Metropolitan Council

Name	Tenure	
	From	To
Shri Janaradhan Gupta	1967	1972
Shri Jag Parvesh Chandra	1972	1977
Begum Khurshid Kidwai	1977	1980
Smt. Tajdar Babar	1983	1990

PRACTICE AND PROCEDURE

The Metropolitan Council of Delhi has been set up under the Delhi Administration Act, 1966. The functions of the Metropolitan Council are delineated in Section 22 of the Act which is reproduced below:

"22(1) Subject to the provisions of this Act, the Metropolitan Council shall have the right to discuss, and make recommendations with respect to, the following matters insofar as they relate to Delhi, namely:

(a) proposals for undertaking legislation with respect to any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution insofar as any such matter is applicable in relation to Union territories (hereafter referred to as the State List and the Concurrent List);

(b) proposals for extension to Delhi of any enactment in force in a State relatable to any matter enumerated in the State List or the Concurrent list;

(c) proposals for legislation referred to it by the Administrator with respect to any of the matters enumerated in the State List or the Concurrent List;

(d) the estimated receipts and expenditure pertaining to Delhi to be credited to and to be made from, the Consolidated Fund of India; and notwithstanding anything contained in

the Delhi Development Act, 1957, the estimated receipts and expenditure of the Delhi Development Authority.

(e) matters of administration involving general policy and schemes of development insofar as they relate to matters enumerated in the State List or the Concurrent List;

(f) any other matter referred to it by the Administrator."

As would be seen from the above provision, the Metropolitan Council, which has all the trappings of a Legislature, is not a full-fledged law-making institution in the sense that the legislative proposals recommended by it have to have the final seal of approval of Parliament before they take the shape of law. The Council also does not have the power to pass any law for appropriating money from the Consolidated Fund of India.

LEGISLATIVE COMMITTEES

As per parliamentary practice, a comprehensive Committee system exists in the Metropolitan Council of Delhi. There are two types of House Committees—(i) Standing Committees which are permanent in nature and are constituted from time to time as per provisions of different rules and (ii) *Ad hoc* Committees which are appointed for a specific purpose and cease to exist when they finish the task assigned to them and submit their reports.

At present, there are eleven Standing Committees in the Metropolitan Council, which are as follows, along with membership of each indicated in brackets:

(i) Business Advisory Committee (8).

(ii) Committee on Private Members' Bills and Resolutions (6).

(iii) Committee on Assurances (9)

(iv) Rules Committee (11)

(v) Committee of Privileges (7)

(vi) General Purposes Committee (7)

(vii) Committee on the Welfare of Scheduled Castes and Scheduled

Tribes. (9).

(viii) Library Committee (6).

(ix) Committee of Estimates (9).

(x) Committee on Papers laid on the Table of the House (7).

(xi) Committee on Petitions (7).

The first seven Committees were set up around the time when the Metropolitan Council was constituted in 1966 and the last Committees were constituted at the commencement of the Fourth Metropolitan Council. The Estimates Committee is elected by the House. All the other Committees are nominated by the Chairman of the Metropolitan Council.

As far as possible, different parties and groups are represented on a Committee in proportion to their respective strength in the House. While the Chairman of the Metropolitan Council is the Chairman of the Business Advisory Committee, the Committee on Private Members' Bills and Resolutions, Rules Committee, General Purposes Committee and the Library Committee, the Deputy Chairman of the Metropolitan Council and the Leader of Opposition in the Council are by convention the Chairman of the Committee of Privileges and the Assurances Committee respectively. The Chairman of the remaining four Committees as also of all *Ad hoc* Committees are appointed by the Chairman of the Metropolitan Council from amongst the members of the Committee.

As per rules, the term of the office of the Assurances Committee, the Committee on Private Members' Bills and Resolutions and the Committee on Papers Laid on the Table of the House is a maximum of one year, while that of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes and Library Committee is a minimum of one year. All other Standing and Select Committees nominated by the Chairman hold office for the period specified by him or until new respective Committees re nominated.

All the reports of the Committees are presented to the Council by the Chairmen of the respective Committees or in the absence of a Chairman by any member chosen by the Committee.

LEGISLATIVE PRIVILEGES

The powers and privileges of the members of the Metropolitan Council have been defined in Section 20 of the Delhi Administration Act, 1966, according to which there shall be freedom of speech in the Metropolitan Council. Thus every member of the Council has a right to express his views, freely and openly, in the House. Further, no member of the Council can be held to be liable to any proceedings in any court in respect of anything said or any vote given by him in the Metropolitan Council or any Committee thereof, and no person can be liable in respect of the publication by or under the authority of the Metropolitan Council of any report, paper, votes or proceedings.

According to Section 26 of the Act which is similar to Articles 122 and 212 of the Constitution relating to Parliament and State Legislatures, the validity of any proceedings in the Council cannot be called in question on the ground of any alleged irregularity of procedure. No officer or member of the Council in whom powers are vested by or under this Act for regulating the procedure or the conduct of business, or for maintaining order in the Council can be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

The powers and privileges of members of Parliament and State Legislatures other than those of freedom of speech and immunity from legal action enshrined in Articles 105(3) and 194(3) of the Constitution which are the same as in the U.K. House of Commons as on 26 January, 1950, are not available to the Metropolitan Councillors. The Council also does not possess the power to punish.

The procedure for dealing with matters of privilege in the Council and in its Privileges Committee is similar to that of the Lok Sabha.

Committee of Privileges: The Committee of Privileges is nominated by the Chairman of the Metropolitan Council. It consists of seven members headed by the Deputy Chairman. The Committee holds office for the period until a new Committee is nominated. The functions of the Committee are to examine every question involving breach of privilege of the House, or of the members or of any of its Committees referred to it by the House or by the Chairman and determine with

reference to facts of each case whether a breach of privilege is involved, and, if so, the nature of breach, the circumstances leading to it and make such recommendations as it may deem fit.

SERVICING OF METROPOLITAN COUNCIL

The Secretary: The Secretary, Law and Judicial of the Delhi Administration who is always a member of the Judicial Service happens to be the *ex-officio* Secretary of the Metropolitan Council. He is the Head of the Council Department. All summons, Bulletins Part-I and Part-II, Lists of Business of the Council and other administrative orders pertaining to the Council Secretariat are issued in his name.

Table 5 gives the tenure of successive Secretaries of the Metropolitan Council.

Table 5: Successive Heads of the Metropolitan Council Secretariat

Sl. No.	Name of the Successive Secretary	Tenure From	To
1.	Shri R.K. Baweja	1966	1970
2.	Shri Desh Deepak	1970	1972
3.	Shri Rajni Kant	1973	1975
4.	Shri Sunder Lal Bhargava	1975	–
5.	Shri T.R. Kalia	1975	1977
6.	Shri M.K. Chawla	1977	1978
7.	Shri G.C. Jain	1978	1979
8.	Shri N.C. Kochar	1979	1983
9.	Shri Lokeshwar Prasad	1983	1986
10.	Shri B.S. Chaudhary	1986	1990
11.	Shri R.C. Jain	1990	till Date

PONDICHERRY

ORIGIN AND GROWTH

Subsequent to the signing of the Instrument of Transfer of Power between the Government of India and the Government of France, on 21 October, 1954, at the Governor's palace in Pondicherry, the *de facto* transfer of Pondicherry and other regions under French domination in India, with the Indian Union took place on 1 November, 1954. After the merger of Pondicherry and other regions with the Indian Union, the Government of India issued a notification called the "French Establishments (Administration) Order, 1954". According to the above, a Chief Commissioner was appointed by the Central Government as the Head of the administration of the French Establishments under the Foreign Jurisdiction Act, 1947. The Treaty of Cession of the French Establishments of Pondicherry, Karaikal, Mahe, and Yanam was signed between the Prime Minister of India and the French Ambassador in India on 28 May, 1956.

The Legal Integration (*de jure* transfer of Pondicherry and other regions) with the Indian Union was completed on 16 August, 1962 with the issue of Pondicherry (Administration) Act, 1962, and with effect from 16 August, 1962, the Constitution (14th Amendment) Act, 1962 was promulgated. Accordingly Pondicherry, Karaikal, Mahe and Yanam were constituted into a separate Union Territory under the name of Union Territory of Pondicherry.

As the people aspired for a popular Government, the Parliament enacted the Government of Union Territories Act, 1963 which came into force on 1 July, 1963, and the pattern of Government prevailing in the rest of the country was introduced in this territory also, but subject to certain limitations. Under Article 239 of the Constitution, the President appoints an Administrator with such designation as he

← State Legislative Assembly Building, Pondicherry.

may specify to head the administration of the territory. The President appoints the Chief Minister. The other Ministers also are appointed by the President on the advice of the Chief Minister. All the Ministers are members of the Legislative Assembly, which consists of thirty members. The members of the Legislative Assembly are directly elected by the people for five years. The Central Government may nominate not more than three persons, not being persons in the service of Government, to be members of be Assembly.

STRUCTURE OF LEGISLATURE

The structure of the Pondicherry Legislature is unicameral. The Legislative Assembly consists of thirty members. All the members are directly elected by the people on the basis of adult franchise.

In terms of the provisions of the Government of Union Territories Act, 1963 the normal tenure of the Assembly, unless sooner dissolved, is for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly. The said period may, while a Proclamation of Emergency issued under Clause (1) of Article 352 of the Constitution is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

Details of the tenure of the Pondicherry Legislative Assembly are given in Table 1 below:

Table 1: Tenure of Pondicherry Legislative Assembly

Sl.No.	Legislative Assembly	Tenure	
		From	To
1.	First	July, 1963	August, 1964
2.	Second	August, 1964	September, 1968
3.	Third	March 1969	January 1974
4.	Fourth	6th March, 1974	28th March, 1974
5.	Fifth	July, 1977	November, 1978

Sl.No.	Legislative Assembly	Tenure	
		From	To
6.	Sixth	January, 1980	June, 1983
7.	Seventh	March, 1985	March, 1990
8.	Eighth	March, 1990	March, 1991
9.	Ninth	July, 1991	till date

ELECTIONS, PARTIES AND MEMBERS

After the *de facto* merger and before the legal integration with the Indian Union on 16 August, 1962, General Elections to the Representative Assembly were held in 1955 and 1959. The elections were held on the basis of adult franchise under the State of Pondicherry (Representation of the People) Order, 1955 which prescribed the rules and regulations for the conduct of elections, more or less on the pattern adopted in the Indian Union. Since sovereignty still vested with the French Government, both the citizens of India and the citizens of France were entitled to vote. The then Representative Assembly was converted into Legislative Assembly of Pondicherry and its members were deemed to have been elected to the Legislative Assembly of Pondicherry. Thus, the First Legislative Assembly was constituted and its term fixed to expire on 24 August, 1964. The Ministry headed by Thiru E. Goubert continued to be in office till the assumption of the next Ministry.

Before the General Elections to the Legislative Assembly, the first of its kind in its territory under the Representation of the People Act, 1950 and the Representation of the People Act, 1957, were held on 24 August, 1964, the constituencies were delimited by the Delimitation Commission and the entire territory was divided into 30 Single Member Constituencies—21 for Pondicherry Region, 6 for Karaikal Region, 2 for Mahe Region and 1 for Yanam Region. Out of these, five seats were reserved for Scheduled Castes, four in Pondicherry Region and one in Karaikal Region. In the first General Elections, the candidates representing the Congress Party and the People's Front were the main contestants. A Congress Ministry headed by Thiru V. Venkatasubba Reddiar was formed and was in office till 18 September, 1969. For the

first time President's Rule was imposed in the Territory in September 1968 which remained in force till March, 1969.

In the Second General Elections held on 9 March, 1969, there were three major parties *viz.*, Congress Party, Dravida Munnetra Kazhagam and Communist Party of India. The D.M.K.-Communist Party of India coalition Ministry headed by Thiru M.O.H. Farook was formed and was in office till 3 January, 1974. The Assembly was then dissolved.

The Third General Elections were held on 24 February, 1974. After elections, a DMK and CPI coalition Ministry headed by Thiru S. Ramassamy was formed and was in office till 28 March, 1974. The Assembly was then dissolved.

The Fourth General Elections to the Assembly were held on 14 June, 1977 and the AIADMK captured 14 seats. A two-member AIADMK Ministry headed by Thiru S. Ramassamy was formed. But this Ministry was in office till November, 1978 and subsequently the Legislative Assembly was dissolved and Pondicherry was again brought under President's Rule which ended in March, 1985.

In January 1980, the Fifth General Elections were held. A coalition Ministry consisting of DMK and Congress (I) was formed under the leadership of Thiru D. Ramachandran which remained in office up to 24 June, 1983, as the Legislative Assembly was dissolved and Pondicherry was once again brought under President's Rule which ended in March, 1985.

In the Sixth General Elections held in March, 1985, the Congress (I), AIADMK, DMK and Janata Party were the main contestants. The Congress (I) Ministry with the support of AIADMK headed by Thiru M.O.H Farook, which assumed office on 16 March, 1985 was in office for a full term of five years, and the formal dissolution of the Assembly took place on 5 March, 1990.

In the Seventh General Elections held in February 1990, the Congress (I), DMK, AIADMK and Janata Dal were the main contestants. The DMK-Janata Dal coalition Ministry headed by Thiru D. Ramachandran was in office from 5 March, 1990 till 4 March, 1991 when the Assembly was dissolved.

In the Eighth General Elections held in July, 1991, the Congress I,

AIADMK, DMK and Janata Dal were the main contestants. Once again, the Congress Ministry headed by Thiru V. Vaithilingam assumed office on 4 July, 1991.

QUALIFICATIONS FOR MEMBERSHIP

A person to be chosen to fill a seat in the Legislative Assembly is required to be a citizen of India and should make and subscribe before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the First Schedule of the Government of Union Territories Act, 1963 and possess such other qualification as may be prescribed in that behalf by or under any law. He must be *not* less than twenty-five years of age.

OATH/AFFIRMATION

Every member of the House, before taking his seat, is required to make and subscribe before the Administrator or some person appointed in this behalf by him, an Oath or Affirmation according to the form set out for the purpose in the First Schedule of the Government of Union Territories Act, 1963. A member who has not already made and subscribed an oath or affirmation, is allowed to do so at the commencement of a sitting of the House, or at any other time of the sitting of the House, as the Speaker may direct, on any day after giving previous notice in writing to the Secretary.

PRESIDING OFFICERS

The Legislative Assembly, as soon as it is constituted, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and, so often as the office of the Speaker or the Deputy Speaker becomes vacant, the Assembly chooses another member to be the Speaker or the Deputy Speaker, as the case may be.

The election of Speaker is held on such date as the Administrator fixes and the Secretary sends to every member a notice thereof. The

date so fixed for the election, in the case of a vacancy occurring during the term of the Assembly, should not be beyond 15 days from the date of occurrence of the vacancy if the Assembly is in session, and the date on which the Assembly first meets thereafter if it is not in session.

At any time before noon on the day preceding the date so fixed, any member may give notice of a motion nominating another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating the name of the member nominated and it should be accompanied by a statement that he is willing to serve as Speaker, if elected. A member cannot propose his own name or second a motion proposing his own name, or propose or second more than one motion.

On the date fixed for election, in the case of a new Assembly, the member appointed by the Administrator to preside, and in any other case the Deputy Speaker or the member presiding, as the case may be, reads out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders. At any time before the election, any candidate so nominated may withdraw his name from the election by informing the Presiding Officer orally or in writing about it. If after the withdrawals, if any, only one member remains nominated, he is declared elected, and it is not necessary to make a formal motion in that behalf. If more than one member remain nominated, the presiding member calls the members in whose names the motions stand, one by one, to move the motions, and the mover confines himself to a mere statement to that effect. The voting on each motion is by ballot. Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes is excluded from the election and fresh ballot takes place, the candidate obtaining the smallest number of votes at each ballot being excluded from election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be. Where at any ballot any two or more candidates obtain an equal number of votes, the candidate to be excluded from the election is determined by drawing lots.

The procedure adopted to elect the Deputy Speaker is the same as for the election of Speaker except that the date for the election of Deputy Speaker is fixed by the Speaker.

A member holding the office as Speaker or Deputy Speaker of the Assembly vacates his office if he ceases to be a member of the Assembly. But, whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution. He may, at any time, by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his office. He may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly.

A member wishing to give a notice of a resolution for the removal of the Speaker or the Deputy Speaker from his office can do so in writing. No resolution for the aforesaid purpose is moved unless at least fourteen days' notice has been given to the Secretary. In case the mover obtains the leave of the House to move the resolution, it is included in the List of Business to be taken up on some appointed day. Such a resolution is taken up after the Question Hour and before any other business is entered upon. The speeches on the resolution are not to exceed 15 minutes in duration. The mover of the resolution may speak for such longer time as the member presiding may permit.

SALARY AND OTHER FACILITIES TO MEMBERS

A member is entitled to receive a monthly salary of Rs. 750/-, conveyance allowance of Rs. 100/- per month and a Constituency allowance of Rs. 250/- per month—altogether Rs. 1,100/- per month. Besides, daily allowance of Rs. 50/- per day during any period of residence on duty. He is also entitled to travelling allowance admissible to a First Grade Officer of the Government of Pondicherry. Besides, a member is also entitled to the following facilities.

(a) *Medical Facilities*: A member and his family are entitled free of charge to accommodation in hospitals maintained by

Government and also to medical treatment in accordance with the Medical Attendance Rules as applicable to Class I officers of the Government of Pondicherry.

(b) *Telephone Facilities*: The members are allowed free use of telephones installed in the Legislature Secretariat for local calls only. Residential telephone facilities are provided. Rental charges and charges in respect of a maximum of 750 local calls per quarter are reimbursed.

(c) *Pension*: A monthly pension of Rs. 200/- is paid to every person who served as a Member of the Assembly for a period of five years, whether continuous or not and even if it falls short by not more than ninety days. An additional pension of Rs. 50/- p.m. will be given for every year in excess of five, subject to a maximum of Rs. 500/- p.m.

(d) *Secretariat Assistance*: Members can utilise the service of the Legislative Assembly Secretariat staff for typing assistance. Assistance is also rendered to members in drawing motions, resolutions, etc. Stationery articles like paper, pencils, letter heads, envelopes etc. are supplied to them free of cost.

(e) *Other Facilities*: The leader of the Opposition and the Legislature parties are provided separate rooms and PABX telephone facilities within the Legislative Assembly premises.

RESIGNATION

A member wishing to resign his seat in the House may do so in the form prescribed in the rules. The date and time of resignation given in the letter should not be earlier than the one on which the letter is written. As soon as may be, the Speaker, on receipt of the letter of resignation, if he is satisfied about the genuineness and voluntary nature thereof, informs the House that such and such member has resigned his seat in the House. When the House is not in session, the Speaker informs the House of it immediately after it reassembles. The resignation takes effect from the date and time specified in the letter of resignation.

PROCESS OF LEGISLATION

The process of legislation begins with the introduction of a Bill. A Bill can be introduced either by a Minister or a private member. In the case of the former, it is called a 'Government Bill' and in the case of the latter, it is called a 'Private Members Bill'.

As per the Rules of Procedure and Conduct of Business of the Pondicherry Legislative Assembly, a Bill has to pass through the following important stages:

(i) Introduction and publication;
(ii) Motion after introduction;
(iii) Procedure after presentation of Report of a Select Committee;
(iv) Amendment to clauses etc. and consideration of Bills; and
(v) Passing and authentication.

The Speaker may, on a request being made in this behalf, order the publication of any Bill (together with the Statement of Objectsand Reasons and memoranda regarding delegation of legislative power and the financial implications, if any, accompanying it and the previous sanction of the President or the recommendations of the Administrator, if necessary), in the Gazette, although no motion has been made for leave to introduce the Bill. In that case, it should not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced it is not necessary to publish it again; provided that no Bill may be so published in the Gazette when the House is in session.

A private member desiring to move for leave to introduce a Bill should give notice of his intention and shall together with the notice, submit a copy of the Bill and a Statement of Objects and Reasons which does not contain any arguments. The Speaker may, if he thinks fit, revise the Statement of Objects and Reasons. If notice is given of a motion to introduce a Bill or to move any amendment which in the opinion of the Speaker, cannot be introduced or moved, save with the previous sanction of the President or the previous sanction or the

recommendation of the Administrator, the Speaker, as soon as may be after the receipt of the notice, refers the Bill or the amendment to the President or the Administrator, as the case may be. The period of notice of a motion for leave to introduce a Bill is fifteen days unless the Speaker allows the motion to be made at shorter notice.

A Bill involving expenditure should be accompanied by a financial memorandum which is required to invite particular attention to clauses involving expenditure and also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law.

When a Bill is introduced or on some subsequent occasion, the member-in-charge of the Bill makes one of the following motions, namely:

(i) that it be taken into consideration either at once or at some future day to be then specified; or
(ii) that it be referred to a Select Committee of the House with such instructions as considered necessary, or
(iii) that it be circulated for the purpose of eliciting opinion thereon.

No such motion is made unless copies of the Bill have been made available to the members for three days before the motion is made and any objection by a member prevails unless the Speaker allows the motion to be made.

The principles of the Bill and its general provisions may be discussed but the details of the Bill are not to be discussed further than is necessary to explain its principles. At this stage no amendments to the Bill may be moved, but if the Member- in-charge moves that the Bill:

(a) be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon by a date to be mentioned in the motion, or
(b) be referred to a Select Committee, any member may move as an amendment that the Bill be circulated for the purpose

of eliciting opinion thereon by a date to be specified in the motion.

After the presentation of the final report of the Select Committee of the House on the Bill, the member-in-charge may move that the Bill, as reported by the Select Committee of the House be taken into consideration. Any member may move as an amendment that the Bill be recommitted or be circulated or re-circulated for the purpose of eliciting opinion or further opinion thereon. The debate on a motion that the Bill as reported by the Select Committee be taken into consideration is confined to consideration of the report of the Select Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill. If notice of an amendment to the clauses or schedules of a Bill has not been given thirty-six hours before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection prevails unless the Speaker allows the amendment to be moved. If Government desire to move an amendment, which under the Constitution or the Act cannot be moved without the previous sanction of the President or the previous sanction or recommendation of the Administrator, they have to annex to the required notice a copy of such sanction or recommendation and the notice cannot be valid until this requirement is complied with. If a private member gives notice of an amendment which in the opinion of the Speaker cannot be moved without the previous sanction of the President or the previous sanction or recommendation of the Administrator, the Speaker, as soon as may be, after the receipt of the notice, refers the amendment to the President or the Administrator, as the case may be.

Amendments are ordinarily considered in the order of the clauses of the Bill to which they respectively relate, and in respect of any such clause a motion is deemed to have been made when a motion stating. "That this clause stand part of the Bill" is passed.

It is the discretion of the Speaker, when a motion that a Bill be taken into consideration has been carried, to submit the Bill or any part of the Bill, to the Assembly clause by clause. The Speaker calls each clause separately, and when the amendments relating to it have been

dealt with puts the question "that this clause or, as the case may be, this clause as amended, stand part of the Bill". The consideration of the Schedules, if any, is to follow the consideration of the clauses. Schedules are put from the Chair, and may be amended in the same manner as clauses and the consideration of new Schedules is to follow the consideration of the original Schedules. Clause one, the preamble, if any, and the title of a Bill stand postponed until the other clauses and Schedules (including new clauses and new Schedules) have been disposed of and the Speaker has to then put the question. When a motion that a Bill be taken into consideration has been carried and no amendment has been made in the Bill, the member-in-charge of the Bill may at once move that the Bill be passed.

If an amendment is made in the Bill, any member may object to a motion being made on the same day that the Bill is passed, and such objection prevails unless the Speaker allows the motion to be made. To such a motion no amendment is moved. The discussion on a motion that the Bill be passed is confined to the submission of arguments either in support of the Bill or for the rejection of the Bill.

After the Secretary has made verbal or consequential amendments, the Bill is to be submitted to the Speaker for his signature and if it is approved as correct, is signed by him. After the Speaker has signed a Bill, it is submitted to the Administrator for taking appropriate action as he deems fit. When the assent has been obtained, the Bill is published in the Gazette as an Act of the Legislature.

When a Bill which has been passed by the Assembly is returned by the Administrator to the Assembly for reconsideration, the point or points referred to for reconsideration or the amendments recommended in his message are put before the Assembly by the Speaker, and are discussed and voted upon in the same manner as amendments to a Bill or in such other manner as the Speaker may deem proper for their consideration by the Assembly. Thereafter, the same procedure as laid down for the disposal of the Bills in the Assembly is followed.

PROCEDURAL DEVICES TO RAISE MATTERS OF PUBLIC IMPORTANCE

The Question Hour: Normally the first hour of the sitting of the House is devoted to questions and answers. The questions asked in the Assembly are of three categories:

(i) Starred Questions;
(ii) Unstarred Questions; and
(iii) Short Notice Questions.

A starred question means a question on which supplementary questions arising out of the answer given can be put with the permission of the Speaker. It is distinguished by placing an asterisk. An unstarred question means a question on which a written reply may be given to the member concerned and on which no supplementary question is permissible. A short notice question means a question relating to matters of urgent public importance. It is distinguished by placing two asterisks. Supplementary questions arising out of the answer given can be put thereon with the permission of the Speaker. A question must relate to a matter of administration for which the Government is responsible. Its purpose is to elicit information or suggest action on a matter of public importance. Not less than 12 clear days' notice for starred and unstarred questions are required to be given in writing by a member to the Secretary. A member who desires to ask a short notice question, should give three clear days' notice of such a question in writing to the Secretary. The Secretary ordinarily obtains the orders of the Speaker regarding the admissibility of the question as a short notice question within 24 hours of its receipt. A member cannot ask more than three starred questions on a single day.

Half-an-hour Discussion: The Speaker may allot half-an- hour for raising discussion on a matter of sufficient public importance which has been the subject of a question and answer in the House. Unless the Speaker directs otherwise, the allotment is ordinarily made during the sitting of the House on a Tuesday or a Thursday after the termination of its usual business. A member wishing to raise such a matter

can give notice in writing to the Secretary three days in advance of the day on which the matter is desired to be raised and should briefly specify the point or points that he wishes to raise. The notice is to be accompanied by an explanatory note stating the reasons for raising discussion on the matter in question.

Motion of No-confidence: A motion expressing want of confidence in the Council of Ministers may be made with the consent of the Speaker subject to the restrictions that leave to make the motion is asked for after questions and before the List of Business for the day is entered upon; and the member asking for leave must, before the commencement of the sitting for the day, deliver to the Secretary a written notice of the motion which he proposes to move. If the Speaker is of the opinion that the motion is in order, he reads the motion to the House and requests those members who are in favour of leave being granted to rise in their places, and, if not less than one-fifth of the total number of the members of the House rise accordingly, the Speaker intimates that leave is granted and that the motion will be taken on such day, not being more than ten days from the date on which the leave is granted, as he may appoint. If less than the requisite number of members rise, the Speaker informs the member that he has not the leave of the House. If leave is granted, the Speaker may, after considering the state of business in the House, allot a day or days or part of the day for the discussion of the motion. The Speaker, at the appointed hour on the allotted day or the last of the allotted days, forthwith puts every question necessary to determine the decision of the House on the motion.

Adjournment Motion: A motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker. The notice is to be given to the Secretary in duplicate at least one hour before the commencement of the sitting on the day on which the motion is proposed to be made. If the leave to make such a motion is granted, the motion is taken up an hour before the time fixed for the usual termination of the business of the day, or if the Speaker so directs, at any earlier hour at which the business of the day may terminate.

Private Members' Resolution: A private member who wishes to move

a resolution should give not less than twelve days' notice to the Secretary of his intention and together with the notice submit copy of the resolution which he wishes to move. A copy of the resolution, if it has obtained a place in the ballot and has been admitted by the Speaker, is sent to the Government ordinarily nine days before the date fixed for its discussion. A resolution may be in the form of a declaration of opinion, or recommendation or may be in the form so as to record either approval or disapproval by the House of an act or policy of Government, or convey a message or command, urge or request an action or call attention to a matter or situation for consideration by Government or in such other form as the Speaker may consider appropriate.

Calling Attention Notices: A member desiring to call the attention of a Minister to any matter of urgent public importance can give notice in duplicate of such a matter at least half-an- hour before the commencement of the sitting of the House to the Secretary on the day on which the matter is proposed to be raised. On receipt, the Secretary sends one copy of the notice to the Minister concerned. If the Speaker gives his consent to the said matter being raised, it is done after the questions and before the List of Business is entered upon. There is no debate on such statement at the time it is made.

Short Duration Discussion: Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. The notice is to be accompanied by an explanatory note stating reasons for raising a discussion on the matter in question. The notice is also accompanied by the signature of at least two other members.

Administrator's Address: At the commencement of the first session after each General Election to the Assembly and at the commencement of the first session of each year or from time to time the Administrator addresses the Assembly as required by Section 9 of the Government of Union Territories Act, 1963. The Speaker, in consultation with the Leader of the House, allots time for discussion of the matters referred to in the Address. On such day or days or part of any day, the House is at liberty to discuss the matters referred to in such Address on a Motion of Thanks moved by a member and seconded by another

member. Amendments may be moved to such Motion of Thanks in such form as may be considered appropriate by the Speaker. The Chief Minister whether he has previously taken part in the discussion or not, has a general right on behalf of the Government of explaining the position of the Government at the end of the discussion and the Speaker may enquire how much time is required for the speech so that he may fix the hour by which the discussion may conclude.

Petitions: Every petition is addressed to the House and is concluded with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates. Every petition should be couched in respectful, decorous and temperate language. Every petition should be presented and counter-signed by a member. A member cannot present a petition for himself. A member should give at least two days' advance intimation to the Secretary of his intention to present a petition. The full name and address of every signatory to a petition should be set out therein and be duly authenticated. Letters, affidavits or other documents are not to be attached to any petition. Every petition after its presentation is referred to the Committee on Petitions for examination. The Speaker nominates a Committee on Petitions at the commencement of the first session after each financial year. The term of office of the members of the Committee is a financial year. The Committee consists of not more than six members.

LEGISLATURE COMMITTEES

The Rules provide that at the commencement of the first session after each General Election and thereafter before the commencement of each financial year or from time to time when the occasion otherwise arises, different committees for specific general purposes are either selected or constituted by the House or nominated by the Speaker. No member is appointed to a Committee if he is not willing to serve on the Committee.

At present, the Legislative Assembly has the following Committees:

1. Business Advisory Committee
2. Committee on Public Accounts

3. Committee on Estimates
4. Committee on Government Assurances
5. Committee on Petitions
6. Committee on Delegated Legislation
7. Rules Committee
8. Select Committee
9. Committee on Privileges
10. Library Committee
11. Committee on Papers laid on the Table
12. Parliamentary Consultative Committees.

Each Committee normally consists of not more than six members except the Committee on Public Accounts and Committee on Estimates which consist of not more than nine members. The Select Committee consists of not more than eight members. The Chairman of each of these Committees is appointed by the Speaker from amongst members of the Committee. If the Deputy Speaker is a member of a Committee, he is appointed as the *ex-officio* Chairman of that Committee. The quorum to constitute a meeting of any Committee is not less than one-third of the total number of members of the Committee. The term of office of members of each of these Committees is a financial year, provided that the Committees elected or nominated, unless otherwise specified, hold office until a new Committee is appointed.

The report of a Committee is presented to the House by the Chairman of the Committee or the person who has signed the report or any member thereof so authorised by the Chairman or, in his absence or when he is unable to present the report by any member authorised by the Committee and is placed on the Table of the House. In presenting the report, the Chairman, or in his absence, the member presenting the report, if he makes any remarks, confines himself to a brief statement of fact, or draws the attention of the House to the recommendations made by it but there is no debate on that statement. The Minister concerned or any Minister may give a short reply on that very day or on some future date on which the matter has been postponed, explaining the Government point of view and the action which the Government proposes to take.

Standing Financial Committees: The Committee on Public Accounts and the Committee on Estimates are the two standing financial committees of the Assembly.

Committee on Public Accounts: The Committee examines the reports of the Comptroller and Auditor General of India relating to the appropriation accounts of the Union Territory, the annual financial accounts of the Union Territory or such other accounts or financial matters as are laid before it or referred to it or which the Committee deems necessary to scrutinise. It consists of not more than nine members in addition to the Finance Minister and the Chairman of the Committee on Estimates who are the members of the Committee *ex officio*. The members are elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote. The Chairman is elected by the Committee from amongst its members.

In scrutinising the appropriation accounts of the Union Territory and the report of the C&A.G. it is the duty of the Committee to satisfy itself:

(a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;
(b) that the expenditure conforms to the authority which governs it; and
(c) that every reappropriation has been made in accordance with such rules as may be prescribed by the competent authority.

It is also the duty of the Committee:

(a) to examine the statement of accounts showing the income and expenditure of state corporations, trading and manufacturing schemes and projects together with the balance sheets, and statements of profit and loss accounts which the Administrator may have required to be prepared or are

prepared under the provisions of the statutory rule regulating the finances of a particular corporation, trading concern or project and the report of the C & AG thereon;

(b) to examine the statement of accounts should the income and expenditure of autonomous and semi-autonomous bodies the audit of which may be conducted by the C & AG either under the directions of the Administrator or by a statute; and

(c) to consider the report of the C & AG in case where the Administrator may have required him to conduct an audit of any receipts or to examine the accounts of stores and stock.

Committee on Estimates: The Committee consists of not more than nine members in addition to the Finance Minister and the Chairman of the Committee on Public Accounts, who are members *ex-officio*.

The members are elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote. The Chairman of the Committee is elected by the Committee from amongst its members. The functions of the Committee are:

(a) to report what economies, improvements in organisation, efficiency or administrative reform consistent with the policy underlying the estimates, may be effected;

(b) to suggest alternative policies in order to bring about efficiency and economy in administration;

(c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and

(d) to suggest the form in which the estimates have to be presented to the Assembly.

Parliamentary Consultative Committees: The Speaker may, in consultation with the Leader of the House, constitute as many Parliamentary Consultative Committees as he thinks fit, in respect of a Department or group of Departments of the Government composed of members of the Assembly only.

Before nominating a member to a Parliamentary Consultative Committee the Speaker may, as far as possible, ascertain the option of the member in respect of serving on a particular Parliamentary Consultative Committee, but the decision of the Speaker is final. Each Parliamentary Consultative Committee is presided over by a Minister to be nominated by the Speaker. The Secretary of Legislative Assembly is the Secretary to all Parliamentary Consultative Committees. These Committees are constituted once in every term of the Assembly, but it is open to the Speaker, in consultation with the Leader of the House, to nominate a fresh member or change the nomination of a member to a particular Parliamentary Consultative Committee as and when he may deem fit. These Committees act as a liaison between the members and the Government. The functions of these Committees are:

(a) to enable the members to obtain such information from the Government, in relation to the policy programmes, plans, performances, achievements, functioning and expenditure of the Department or Departments concerned, as the members may desire to have, and to provide a forum for discussion and exchange of views; and
(b) to provide a forum for ventilation of grievances of public nature.

LEGISLATIVE PRIVILEGES

Subject to the provisions of the Government of Union Territories Act, 1963, and to the rules and standing orders regulating the procedure of the Assembly, there is freedom of speech in the House. No member of the Assembly is liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any Committee thereof, and no person is so liable in respect of the publication by or under the authority of such Assembly of any report, paper, notes of proceedings. In other respects, the powers, privileges and immunities of the Assembly and of members and the Committees thereof are such as are for the time being enjoyed by the House of the People and its members and Committees.

A question involving a breach of privilege either of a member of the House or of a Committee thereof may, with the consent of the Speaker, be brought to the notice of the House by—

(i) a complaint from a member;
(ii) a report from the Secretary;
(iii) a petition; or
(iv) a report from a Committee.

If the breach is committed in the actual view of the House, the House may take action without any complaint. If the complaint is against a member, the Speaker may hear him before giving his consent.

A member wishing to raise a question of breach of privilege should give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the complaint is founded upon a document, the original or a copy thereof should accompany the notice. The right to raise a question of privilege is governed by the conditions that not more than one question can be raised at the same sitting; the question is restricted to a specific matter of recent occurrence; and that the matter requires the intervention of the House.

If the Speaker gives his consent, he may refer the matter to the Committee on Privileges and acquaint the House thereof, or he may ask the member making the complaint as well as the documents, if any, before the House and may make a short statement. The Speaker, after hearing any other member, if necessary, decides whether the complaint is in order. The Speaker may, if he is satisfied about the urgency of the matter, allow a question of the privilege to be raised at any other time. When the Speaker asks for further elucidation and holds the complaint in order, he may refer it to the Committee on Privileges for examination, investigation and report or he may, if he is of opinion that the matter is such as may be disposed of by the House, ask the members making the complaint to make a motion that the matter be taken into consideration forthwith or at some future date.

Committee on Privileges: The Committee on Privileges consists of six members including the Deputy Speaker and it is nominated by the Speaker. The Deputy Speaker is the Chairman of the Committee. The

Committee examines the question of privileges referred to it in the light of evidence and the circumstances of the case and determines whether any breach of privilege has been committed, the nature of breach, the circumstances leading to it and makes such recommendations as it may deem proper. After presentation of the report by the Committee, the Chairman or any member thereof, or any member of the House may make a motion that the report of the Committee be taken into consideration forthwith or at some future time within which the report may be printed and copies supplied to members.

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